

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1040 OF 2016

Ganesh Tarachand Ghuge ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Aniket U. Nikam, Advocate for the Applicant.

Mr. Deepak Thakery, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 28th JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. I-81 of 2016 for the offences punishable under sections 143, 147, 148, 149, 326, 307, 324, 504 and 506 of the Indian Penal Code, registered with Nandgaon Police Station, Dist. Nashik at the instance of the informant – Fakira T. Shelke, by this application is seeking pre-arrest bail.

2 Heard the learned counsel appearing for the Applicant/accused. He argued that the applicant is serving in Central Armed Police Force. Allegations are only to the effect that he assaulted informant-Fakira by means of wooden logs on his right hand. Hence, according to the learned counsel for the applicant/accused considering the role attributed to the

applicant in the crime in question, his liberty needs to be protected.

3 I have also heard learned APP for the State.

4 Perusal of the papers of investigation including the FIR goes to show that forming an unlawful assembly with a common object of committing murder and causing grievous hurt, the applicant/accused and the co-accused had assaulted the informant-Fakira Shelke as well as his son Santosh. Perusal of the papers of medical treatment shows that the injured - Fakira had suffered fractured injury to his right forearm which can be attributed to the blow of wooden logs delivered by the present applicant. His son -Santosh had also suffered fractured injury in the incident. As, prima facie, it is seen that the applicant with co-accused had formed an unlawful assembly. The role of the applicant cannot be segregated from the act of committing crime by the members of the unlawful assembly.

5 No case for anticipatory bail is made out. The application is accordingly rejected.

(A. M. BADAR, J.)

.....