

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1064 OF 2015

Mr.s Sona @ Nirmala Hareshlal Lulla. ...Applicant.

vs.

The State of Maharashtra. ...Respondent.

Mr. Prakash Naik with Ms. Vrishali Raje for the Applicant.
Smt. S.D. Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 11th January, 2016

PC:

The applicant is apprehending arrest in CR No.I-181/2015 dated 11.7.2015 registered with Ulhasnagar Police Station under Section 307 read with 34 of the I.P.C.

2) The complainant Sumeet @ Meshak Sunderlal Gaikwad has lodged the first information report dated 11.7.2015. In the said report, he has stated that on 11.7.2015 he along with his friend Ayyappa Mudliyar went to the applicant at about 1.00 a.m.to collect the money which was given by the said Ayyappa to the applicant. They noticed that the applicant was sitting on the steps of Dr. Sagar Ahuja's dispensary. The complainant thereafter noticed that the said Ayyappa was chit chating with the applicant and there were altercations between them. At that time one Bipin Sharma came there and stated assaulting to Ayyappa Mudliyar by fist and kick blows. When the said Ayyappa tried to avoid Bipin Sharma, one

unknown person accompanying Bipin Sharma assaulted Ayyappa on his left side ear and face. In the said incident the complainant received injuries on his stomach. It has been specifically mentioned in the said report that the applicant had caught hold of the said Ayyappa from behind and at that time the person wearing white shirt and blue colour pant assaulted Ayyappa with the help of a wooden log. When the complainant tried to rescue Ayyappa from the clutches of the applicant and other persons he was also beaten up by wooden log on his legs and back. When the complainant was running away from the scene of offence. he saw that the accused persons were dragging the said Ayyappa towards the Pimple Tree. In the premise, the first information report is lodged.

3) Mr. Naik, learned counsel appearing for the applicant submitted that as a matter of fact the applicant had on an earlier occasion registered two crimes against Mr. Ayyappa. The said Ayyappa was released on bail by the trial court with a specific condition that he shall not enter the said vicinity and therefore, there was no reason for the said Ayyappa to enter in the said vicinity. In view of the same, the version of the applicant is an exaggerated version. That, the CCTV footage does not show the presence of the applicant at the scene of the offence. He, therefore, prayed that the applicant may be granted pre-arrest bail.

4) The learned APP, on the other hand, submitted that the CCTV footage shows only part of the incident wherein it is seen that the victim is running away from the scene of offence. She submitted that statements of three witnesses under Section 164(1) of the Cr.P.C. have been recorded. The other witnesses have stated the same and similar role attributed as has been stated by the complainant in the first information report. After taking into consideration the gravity of the offence and the serious allegations levelled against the applicant, I am of the considered opinion that, the custodial interrogation of the applicant is imperative to unearth the truth behind the crime. In view of the same, this is not a fit case to grant pre-arrest bail to the applicant.

5) Application is accordingly dismissed.

(A.S. GADKARI, J.)