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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1252 OF 2016

John Ratilal Gunjal	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Ashok M Saraogi, for the Applicant.
Mr. Arfan Sait, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.286 of 2016, for the offence punishable under Sections 143, 147, 148, 149, 323, 326, 354, 427, 452, 504, 506 r/w 34 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 3(1)(5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, by this application is praying for pre-arrest bail.

2. Heard the learned counsel, appearing for the applicant. By taking me through the F.I.R. lodged by Surekha Sarvade, the mother of victim, he argued that no over-tact is attributed to the applicant in the crime in question. By pointing out the order passed by the learned

Additional Sessions Judge, releasing co-accused on bail, the learned counsel submitted that victim has given no objection for grant of bail.

3. The learned APP opposed the application, by pointing that the offence is serious. He drew my attention to the statement of injured victim as well as injury certificate.

4. Perused papers of investigation. According to prosecution case, the applicant alongwith co-accused and other more than 25 persons formed an unlawful assembly, barged in the house of informant Surekha and by going to the terrace of that house, they dragged her son Buddhabhushan downstairs. Thereafter accused persons assaulted him by means of sword and iron bar. It is also reported that accused persons have outraged the modesty of the informant and assaulted her.

5. It is seen from the papers of investigation that accused persons came to the house of the informant by cars and motorcycles. They were armed with weapons. They entered in the house of the informant. The name of the present applicant is stated to be one who was accompanying other accused persons. As such, it is clear that the applicant is one of the member of unlawful assembly. In such situation, he becomes vicariously liable for the acts of other co-accused. That apart, statement of injured Budhbhusan Sarvade shows the present applicant applicant had assaulted by hands and co-accused Pratik by blow of

sword. The injury certificate of Buddhabhushan, reveals that he suffered several grievous injuries. Tendering no objection for grant of bail reflects attempt on the part of accused persons to tamper with the prosecution evidence.

6. In totality, no case for anticipatory bail is made out.
7. The application is rejected.

[A. M. BADAR, J.]