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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1340 OF 2016

Sachin Hanmant Chavan	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Rajaram V.Bansode for the applicant.

Mr.Deepak Thakre, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 12TH AUGUST, 2016

P.C. :-

1. Heard. The learned counsel for the applicant argued that the F.I.R. lodged by the victim is totally inconsistent with the version of the eye witnesses and, therefore, the version of the injured witness Yogesh should be disbelieved. In this view of the matter, the learned counsel for the applicant prays for anticipatory bail.

2. Perused the F.I.R. as well as the papers of investigation. Informant Yogesh, who is injured in this incident which took place on 20th May, 2016 has alleged that initially at

8.00 p.m. the applicant and co-accused came to his house and pelted stones at them. The present applicant called somebody from the cell-phone and asked them to come with swords and koytas. The informant stated the reason as to why he could not lodge the report with police station Phaltan about this incident. Then injured informant stated that when he was sleeping at his house all alone, at about 9.00 p.m. again the present applicant along with co-accused entered inside his house. The injured informant further averred that the applicant was holding sword whereas co-accused were holding other weapons. The injured has stated the reasons for suffering injuries as assault on him by blunt side of the sword by the present applicant. The informant has also averred that all accused persons assaulted him by means of fist and kick blows.

3. Perusal of the injury certificate shows that the injured informant Yogesh had suffered 8 injuries, including fracture injury, contused lacerated wounds and blunt trauma.

4. At the stage of examining the matter for criminal anticipatory bail, omissions, contradictions and variances in

the version of witnesses are not required to be examined, what is required to be seen is whether there is prima facie evidence to connect the applicant to non bailable offence and whether his custodial interrogation is warranted.

5. Considering the nature of offence and the circumstances in which it is committed, custodial interrogation of the applicant is warranted. The offences charged is punishable under section 307, 143, 147, 148, 149, 452, 323, 504 and 506 of the Indian Penal Code. Recovery of weapons is required to be effected so also corroborative evidence will have to be collected by the Investigating Officer. No case for anticipatory bail is made out. The application is rejected.

6. The observations in this order are prima facie observations which will not have any bearing on the trial.

(A.M.BADAR, J.)