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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1359 OF 2016

Anil Londhe	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Jaydeep D. Mane, for the Applicant.
Mrs. Veera Shinde, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 9th AUGUST, 2016.

P.C. :

1. Heard the learned counsel for the applicant.
2. The applicant/accused, in crime No.67 of 2015, for the offences punishable under Sections 147, 148, 149, 307, 326, 329, 504, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act, registered with Madha Police Station, by this application is seeking pre-arrest bail.
3. Heard the learned counsel for the applicant/accused. He argued that prior to the incident in question, in respect of misbehaviour of the prosecuting party, crime No.54 of 2015 came to be registered against prosecuting party on 4.3.2015. According to the learned counsel for the

applicant, cross F.I.R. was lodged by accused Jyotiram Londhe who suffered life threatening injury at the instance of prosecuting party. The learned counsel, further argued that according to prosecution case, Bandu and Hanumant Londhe suffered injuries and they were discharged within two days. Therefore, the applicant who is government servant be released on pre-arrest bail.

4. The learned APP by pointing out statement of Arun Londhe, his injury certificate and the discharge card, submitted that no case for pre-arrest bail is made out.

5. Perused the F.I.R. It is seen that the present applicant and co-accused have formed unlawful assembly. They were armed with deadly weapons. As submitted by the learned APP, the present applicant who is also known as Anil Subhash Patil had assaulted Bandu Londhe by means of sword. Perusal of injury certificate of Bandu, so also his discharge card shows that Bandu suffered fracture injury to his head. There are eye witnesses to the incident in question. Cross F.I.R. cannot absolve the present applicant from the liability of being member of unlawful assembly and participation in the assault.

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

[A. M. BADAR, J.]