

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1498 OF 2016

Dinesh R. Gupta. ...Applicant.
vs.
The State of Maharashtra ...Respondent.

Mr. Subodh Pathak for the Applicant.
Ms. Neeta Jain, APP. for the State

CORAM : A.S.GADKARI, J.
DATE : 26th August, 2016

P.C.

1. This is an application under Section 438 of the Cr.P.C. for pre-arrest bail in CR No.268/2016 dated 24.7.2016 registered with Kandivali Police Station, Mumbai under Section 326,323,504 and 506 of the Indian Penal Code.

2. The first information report is lodged by Dilip Godkar on 24.7.2016. It is stated in the said report that the informant is social worker and works for the political party by name "Shivsena". That, on 23.7.2016 at about 7.30 hours one person by name Santosh Kumar Mishra along with his wife came to his office and informed him that his auto rickshaw and its permit has been seized by the persons of the applicant. When the complainant was receiving information from the said Santoshkumar, the applicant along with other accused entered the office and called the applicant out of his office and the co-accused started beating the complainant. At that time the applicant tried to gave a blow of iron rod on the head of the complainant, however the complainant ward off the said blow

to his right hand and therefore, he sustained injuries on his palm and the fingers of the right hand. The complainant thereafter took the treatment in hospital and subsequently lodged the first information report.

3. The learned counsel appearing for the applicant submitted that the applicant is also worker of the same political party namely Shivsena and due to political rivalry the first information report is lodged. He submitted that other two accused persons have been released on bail and there is no necessity of custodial interrogation of the applicant. He submitted that that the applicant may be released pre-arrest on bail.

4. I have perused the papers pertaining to the investigation of the present crime. The injury certificate issued by the Doctor from Dr. Babasaheb Ambedkar Municipal General Hospital duly corroborates the version of the complainant. The weapon used in the present crime is yet to be recovered. Unless and until the applicant is custodially interrogated, the recovery of the said weapon is not possible. After taking into consideration the serious allegations against the applicant and the necessity to recover the weapon used in the crime, the the Court is of the view that this is not a case to grant pre-arrest bail. Application is accordingly rejected.

(A.S.GADKARI, J.)