

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2075 OF 2016

Samadhan Narayan Londhe

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Viresh V. Purwant Advocate for Applicant.

Mr. Prashant Jadhav APP for the State.

Mr. R. S. Rathod, Head Constable, Karmala
Police Station, Solapur (Gramin)

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 5th DECEMBER, 2016.

PC :

- 1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 406 of 2016 registered at Karmala police station for offence punishable under section 326, 325, 323, 143, 147, 149, 506 and 504 of the Indian Penal Code.
- 2) The date of incident is 30/08/2016. Time of the offence is 5.30 p.m. At the outset, the learned counsel for the applicant submits that the applicant in fact working as Coolie at Kurudwadi Railway Station and at the time of

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incident, he was at the railway station. A certificate dated 21/09/2016 issued by the President of Kurudwadi Hamal Panchayat is filed on record to show that applicant was present at the Kurudwadi Railway Station on 31/08/2016. This Court had directed the learned APP to find out the genuineness of the said certificate. Without going into the said fact, it is pertinent to note that the date of incident is 30/08/2016 and not 31/08/2016. It is on this count alone that the application seeking pre-arrest bail deserves to be rejected. In the eventuality that the applicant files an application under section 437 or 439 of the Code of Criminal Procedure, 1973, his application shall be considered on its own merits without being influenced by the rejection of the present application.

3) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)