

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2536 OF 2015**

Amit Hiranman Dhotre
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Ujwal R. Agandurve for the Applicant

Mr. D. P. Adsule, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 18th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 33 of 2014 registered with the Bibvewadi Police Station, Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 120(b), 302 of the Indian Penal Code and under Section 37(1) of the Bombay Police Act r/w Section 135 and Section 4(25) of the Arms Act.

3. The incident in question has taken place on 9th March, 2014 at about 7:30 p.m. The complainant - Sandip Sakat is the brother of the deceased Deepak Sakat. The complainant is also an eye-witness of the assault by the accused on the deceased. According to the statements of the eye-witnesses, the applicant assaulted the deceased with a koyta on his ear and thereafter hit a stone on his head. It also appears that there are three antecedents against the applicant, which are all bodily related offences.

4. Considering that a specific overt act has been attributed to the applicant and the nature of injuries sustained by the deceased and the applicant's antecedents, this is not a fit case to enlarge the applicant on bail. Hence, the application is rejected.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.