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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 129 OF 2017

Kisan Dattarya Padwal

..Applicant.

Vs.

State of Maharashtra

..Respondent

Mr. Sandip R. Khurkute for Applicant.

Mrs. P.P. Shinde, APP for State.

Mr. Gajanan Raut, PSI, present.

CORAM: A.S. GADKARI, J.

DATE : 11th April 2017.

P.C.

1] The applicant is apprehending arrest in CR No.I-108 of 2016 dated 19.11.2016 registered with Kinavali Police Station, District-Thane under Sections 307, 324, 341, 143, 147, 148, 149, 504 of the Indian Penal Code and under Sections 37 (1)(3), 135 of Bombay Police Act.

2] The first information report is lodged by the injured witness Bhaskar Pansare. It is stated that, on 18.11.2016 due to earlier enmity between the friend of the first informant namely Sham Sogir and the applicant herein, when the first informant was travelling by a motorcycle with his friend Digambar Bhaskar Pansare at about 7.30 p.m., the applicant

along his other family members obstructed the way of the first informant. The applicant forced the first informant and other injured Digambar Pansare to get down from the motorcycle. The co-accused namely Kuldeep Padwal thereafter gave blow with the aid of sword on the head of Digambar Pansare. As the said Digambar Pansare tried to escape from the scene of offence, the applicant caught hold of him and thereafter the other co-accused assaulted him with iron rod. When the informant tried to rescue Digambar Pansare from the clutches of the applicant, the applicant and the co-accused Amol assaulted the first informant Bhaskar Pansare with wooden rods on his head, back and left leg. Due to the said assault, injured witness Digambar Pansare became unconscious and therefore he was admitted to J.J. Hospital. The first informant took the medical treatment and thereafter lodged the first information report.

3] As stated in the first information report, the applicant caught hold the injured witness Digambar Pansare and other accused person assaulted him. That the applicant also assaulted the first informant Bhaskar Pansare with wooden rod. The medical certificate issued in favour of first informant Bhaskar Pansare duly corroborates his version. The medical certificate of injured witness Digambar mentions that, he suffered grievous injury and his condition was serious when he was admitted in the hospital.

4] The learned APP has produced a report signed by the Assistant Police Inspector, Kinhavali Police Station wherein it has been mentioned that the applicant was earlier involved in four cases during the period from 1986 to 2001 and has been acquitted there from. That the applicant is also involved in CR No.78 of 2015 for the offence under Sections 326, 504, 506 read with 34 of the Indian Penal Code. When the applicant was on bail in CR No.78 of 2015, he has committed the present crime. In view of the abovestated facts, the applicant does not deserve to be granted pre-arrest bail.

5] The application is accordingly rejected.

(A.S. GADKARI,J.)