

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.261 OF 2017**

Santosh Sureshchandar Upadhyay .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Pooja R. Thakur, Advocate, for the Applicant  
Mr.V.V.Gangurde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 18.08.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.183 of 2016 registered with the Kurar Police Station, for the alleged offences punishable under Sections 307, 326, 323, 504, 506 r/w 34 of the Indian Penal Code (for short “IPC”) and under Sections 37(a)(A), 135 of the Bombay Police Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. She submits that the Applicant is in custody since June, 2016 and that investigation is

complete and charge-sheet is filed. She submits that three other co-accused in the second case have been enlarged on bail.

4. Learned APP opposes the Application. He submits that not only has a specific role been attributed to the Applicant, but, the Applicant has committed the said offences whilst on bail. He submitted that the Applicant has six antecedents.

5. Perused the papers. According to the Complainant – Anand Shankar Chatterjee, the Applicant is a known gunda in the area and that there are several offences registered against him. He has stated that the Applicant has created terror in the area and that he would assault and threaten the people residing in the area. He has further stated that in the incident, which took place on 05.06.2016 at about 11.30 p.m., the Applicant alongwith others assaulted him, with a knife on his head, hands, legs, thigh and abdomen. The Complainant in his supplementary statement has specifically stated that the Applicant has assaulted him with a knife on his back as well as with a paver block. The Injury Certificate shows that the Complainant has sustained eight injuries with a sharp weapon. Two of the said injuries, are grievous in nature. The Applicant has six antecedents registered in the year 2010, 2012, 2014,

2015 & 2016. Three out of these cases, pertain to bodily related offences i. e. under Section 326 of the IPC etc. The Applicant has committed the aforesaid offences whilst on bail. The possibility of the Applicant intimidating and tampering with the witnesses also cannot be ruled out.

6. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

7. 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.)**