

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

ANTICIPATORY BAIL APPLICATION NO.310 OF 2017

Suraj Subhash Jagtap

.... Applicant

versus

State of Maharashtra

... Respondent

.....

- Mr.Jaydeep D. Mane, Advocate for the Applicant.
- Mr.Rajan Salvi, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 21st MARCH, 2017.

PC. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused apprehends arrest for the offences punishable under sections 307, 143, 147, 148, 149, 329, 427, 323, 504, 506 of the Indian Penal Code in C.R.No.388/16 of Kurduwadi Police Station. The offence is registered at the instance of Aniket Arun Kadam on 07/12/2016.

2. It is the case of prosecution that the complainant is a road contractor. When he was going in his car, one dumper

Nesarikar

overtook him. So the complainant went ahead and stopped the dumper. There was verbal altercation. The complainant threw the stone towards the dumper. The driver told him that dumper was belonging to Balaji Shiraskar i.e. the co-accused. Then Balaji Shiraskar arrived there alongwith applicant/accused Suraj Jagtap and 2-3 persons. They assaulted the complainant. Balaji Shiraskar was holding iron rod and the applicant/accused Suraj Jagtap was holding knife. He inflicted a blow of knife on the complainant. He tried to ward off the blow. At that time he got injured. His hand was fractured. They assaulted him. Took away Rs.5,000/- from his Shirt, damaged his Scorpio car and went away. Thereafter he was taken to hospital, was treated and his statement was recorded on 07/12/2016, pursuant to which the offence was registered. Hence this application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is a Corporator and he has contested the elections. He is falsely implicated in this case due to political rivalry. The learned counsel further submitted that

the applicant/accused is the permanent resident of Kurduwadi and he will cooperate the police if at all he is granted pre-arrest bail and hence the applicant/accused be given pre-arrest bail.

4. The learned prosecutor opposed bail application. He relied on the injury certificate. He submitted that the complainant received four grievous injuries. He submitted report of police disclosing pendency of four cases against the applicant/accused at Kurduwadi Police Station.

5. Perused FIR. Perused the injury certificate and statements of witnesses. On perusal of the complaint, it is found that Balaji Shiraskar and Suraj Jagtap and other persons had assaulted the complainant with weapons. Initially there was a verbal altercation between driver of Balaji Shiraskar and supervisor and the complainant. However, Balaji Shiraskar and the applicant/accused arrived there. The applicant/accused was holding knife and he assaulted the complainant with knife. The injury certificate disclose that complainant sustained five

injuries. There was a fracture on the lateral femur bone. However, this is caused by the blow of a rod. Injury certificate shows that there are wounds by the knife and wound Nos.1, 2, 3 and 4 are described as grievous. Four cases are pending against the applicant/accused. Two cases are of 2014 and one case is of 2013. They are all against the human body.

6. Thus, considering the criminal antecedents against the applicant/accused and his role in this case, I am of the view that it is not a fit case for granting pre-arrest bail. Hence, the application stands rejected.

(MRIDULA BHATKAR, J.)