

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 405 OF 2017

Ratanpal Bramdev Yadav.	... Applicant.
Versus	
State of Maharashtra.	... Respondent.

Mr. S.G. Rajput a/w. Mr. Aditya Jadhav, advocate for Applicant.

Mr. M.G. Patil, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 8, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 428/2016 registered at Walive Police Station for offence punishable under section 307, 143, 147, 148, 149, 504, 506

of the Indian Penal Code read with section 37(1)(3), 135 of Maharashtra Police Act.

3 At the outset, it is pertinent to note that the present applicant had filed ABA No. 2039 of 2016, which was withdrawn on 25/11/2016 on the ground that charge-sheet is filed. It is pertinent to note that charge-sheet was also filed against the present applicant and he was shown as an absconding accused. Thereafter, the applicant once again approached the Court of Sessions seeking pre-arrest bail. The said application is rejected on 18/2/2017.

4 The learned Counsel for the applicant submits that the applicant happens to be Shakha Pramukh of Shivsena party and therefore, he has been falsely implicated in the present case.

5 It is the case of the prosecution that on 20/8/2016 Soni @ Bilkish Jiya Qureshi lodged a report at the police station that on 18/8/2016 he was assaulted by known and some unknown persons

over some dispute in the past. He was assaulted with deadly weapons. He was referred to the hospital by the police station. It is alleged that he had sustained two stab wounds which was grievous injury.

6 That the compilation of the charge-sheet would indicate that there are eye witnesses to the present incident who clearly implicate the present applicant. A specific overt act is attributed to the applicant. FIR is of August, 2016. The earlier anticipatory bail application was withdrawn on the ground that the charge-sheet is filed against the co-accused and not the present applicant.

7 Upon perusal of the papers of investigation, it appears that the charge-sheet is also filed against the present applicant. The learned APP submits that the applicant holds an influential position and the possibility that he would tamper with evidence cannot be ruled out. There are eye witnesses to the incident. It is in these circumstances,

no case for pre-arrest bail is made out. The application stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)