

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 417 OF 2017

Mr. Manoj Arjunrao Ghate

..... Applicant
(Org. Accused No.11)

vs.

The State of Maharashtra

..... Respondent

Mr. Vikas B. Shivarkar for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent/State.

CORAM: MRS.MRIDULA BHATKAR J.

DATE : March 22, 2017

P. C. :

This Application is moved for pre-arrest bail as the Applicant-accused apprehends pre-arrest under Sections 307, 143, 147, 148 and 149 of the Indian Penal Code, Section 4(25) of the Indian Arms Act and Section 37(1) (3) of Bombay Police Act in C.R. No. 251 of 2016, registered with Chinchwad Police Station, Pune. One Smt. Chhaya Rajendra Dhokane, mother of the injured Praful gave information to police on 17.10.2016 that her son was assaulted by the Applicant-accused and co-accused on 16.10.2016 at

Chinchwad. In the assault, the injured had sustained head injuries. There There is incise wound and thereafter he was shifted to hospital and given treatment and the complainant approached the police.

2 The learned counsel for the Applicant-accused has submitted that the Applicant-accused was not holding any weapon at the time of assault. As per the case of the complainant and injured Praful, he assaulted Praful with fist blows and kicks. He has submitted that the injury had sustained to the complainant. In the injury, there is no fracture. He further submitted that the Applicant-accused was granted interim protection and accordingly attended the Police Station as per the direction of this Court.

3 The learned Prosecutor, while opposing the Bail Application, relied on the injury certificate. She has submitted that Praful was assaulted with beer bottle and sickle and the Applicant-accused was present there and also took part in the assault.

4 Perused the FIR. Perused the statement of injured Praful and the injury certificate. As per the statement of Praful, the other

two co-accused have assaulted him with sickle and broken beer bottle on his head. The Applicant-accused had assaulted the injured with fist and kick blows. On query, the learned Prosecutor confirm that the Applicant-accused does not have criminal antecedent. In view of this, no custodial interrogation is required.

5 In the result, the interim bail granted earlier by order dated 8.03.2017 is hereby confirmed and the Applicant-accused is directed to attend the Court dates as charge-sheet is filed. In view of this, Anticipatory Bail Application stands disposed of.

(MRIDULA BHATKAR, J.)