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

ANTICIPATORY BAIL APPLICATION NO. 470 OF 2017

Gopal Bajirao Ankushrao	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. A. P. Mundargi, Sr. Advocate i/b Hrishikesh Mundargi for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent-State.
Mr. S. R. Kulkarni, API, Pandharpur City Police Station present.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 17th MARCH, 2017.

P. C. :

1. This application is moved for pre-arrest bail as the applicant-accused apprehends arrest in C. R. No. 797 of 2016 registered with Pandharpur City Police Station for the offence punishable under Sections 307, 120B, 452, 506 r/w. 34 of the Indian Penal Code. It is the case of the complainant Shashikant Mule that he is a tenant of one Arun Ousekar and who has let out four shops to the complainant since 2006. He is a tenant of Arun Ousekar and occupying one residential premises behind these four shops of the complainant. On 26.08.2012 in the morning the applicant-accused and his associates arrived in the shop and asked the complainant to vacate one shop and asked him to pay Rs.5000/- per month. At that time applicant-accused also threatened the complainant that if he would not vacate the shop, then he would murder him. The

complainant met his landlord Ousekar and informed the said incident. His landlord told him not to vacate the shop and not to give a single rupee to the applicant-accused. Thereafter nothing happened for four years and in November, 2016 he noticed that locks of four shops were broken. However, no goods were stolen from the shops and, therefore, he ignored. On 07.12.2016 at about 12.45 p.m. when he was present with his wife in his house, two persons Shrikant Kolar and Firoz Shaikh knocked the door and entered in the house. They asked water and they told him that they belong to gang of present applicant Ankushrao and they had broken the locks of shops at the instance of the applicant-accused in last month. They also told him to vacate the premises. The complainant told them that the shops belong to Mr. Ousekar and he would vacate at the instance of the landlord. At that time Shrikant Kolar assaulted him with iron sickle (Sattur) on his head and co-accused Firoz removed a sword to assault him, at that time his wife pulled him inside the house and closed the door and thereafter the neighbours arrived and they ran away. The complainant was shifted to Pandharpur Hospital and thereafter the offence was registered against the applicant-accused and the other co-accused.

2. Learned Senior Counsel for the applicant-accused submitted that it is difficult to accept that the incident of threat and demand of money of Rs.5000/- and shop was made on 26.08.2012 and thereafter there was no incident till 07.12.2016. He submitted that the alleged the applicant-

accused is falsely implicated out of political rivalry. He further submitted that the present applicant-accused has lodged complaint against Mr. Wadadekar and said Wadadekar has filed a criminal complaint against the applicant-accused. Learned Senior Counsel further submits that the applicant-accused has no connection with the incident of assault and the case of the complainant prima facie cannot be believed. Learned Prosecutor while opposing this bail application relied upon the Injury Certificate. He also relied on the statements of landlord Mr. Ousekar, Snehal Mule and the other statements. He argued that the applicant-accused has created terror in the vicinity and, therefore, the people are not coming forward to give statement or evidence against him. Learned Prosecutor has submitted that the applicant-accused is absconding though the charge-sheet is filed in the case. However, the applicant-accused is absconding.

3. Perused FIR, statements of witnesses and the Injury Certificate. Injury Certificate discloses that the complainant was injured on 17.12.2016. He has sustained a grievous injuries like incise wound described in the certificate.

4. The statements of landlord and other witnesses disclose that the applicant-accused has made demand of Rs.5,000/- per month from the complainant. It appears, prima facie, the complainant was assaulted by

the accused at the instance of applicant-accused. Considering the nature of the offence, the manner in which the offence has taken place and the grievous injury sustained on the head and the applicant-accused is having absconded though the charge-sheet is filed, I am not inclined to grant pre-arrest bail. The application is rejected.

[MRIDULA BHATKAR, J.]