

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 755 of 2017

Siddhant Nitin Thakur

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Chaitanya Malgaonkar i/b. GMS Legal for the applicant.

Mr. R. M. Pethe, APP for the respondent-State.

HC R. S. Nikhambhe present.

CORAM : PRAKASH D. NAIK, J.

DATE : 15 JUNE 2017

P.C. :

1. This is an application for anticipatory bail in connection with C.R. No. I-151 of 2016 registered with Vasai Police Station, Palghar. The offences were registered on complaint of Shri Vajresh Choudhari on 19 December, 2016 under sections 141, 143, 144, 147, 148, 149, 323, 506, 324 of IPC. Subsequently the charge under section 307 of IPC was invoked.

2. The prosecution case is that on 18 December, 2016, the complainant was informed that some persons are assaulting Siddharth Ramakant Raut. Hence at about 00.30 hours, the

complainant proceeded to Fish Market Naigaon Naka. At that time, he met Chetan Arvind Raut, he informed the complainant that Sidhesh Ramakant Raut, Abhinav Choudhary and Jitendra Patil were assaulted by the son of Nitin Thakur and his associates by using swords and sticks. They were taken to the hospital by Vaibhav Thakur and they were admitted in the hospital. At that time, the complainant noticed that one Amit Choudhary, Yogesh Devdas, Udhav Hemant Patil, Sidhant Nitin Thakur (applicant), Rakesh Prajapati, Jayesh Devdas Choudhari, Sachin Patil, Rohit Mhatre and four others persons at the said place. Since the complainant had reached the said place, Amit Thakur assaulted him by giving fist blow. At that time, Yogesh Choudhary, Udhav Patil, Jayesh Choudhary and Rohit Mhatre assaulted the complainant by using hockey sticks. At the same time, Sachin Patil assaulted him with sword and the applicant as well as Rakesh Prajapati, Yogesh Choudhary tried to assault the complainant by giving blow of knife. The complainant, however, avoided the said blows. The said persons then threatened the complainant that they had assaulted Shailesh Thakur at the same place and that the complainant will also be killed at the same place. On account of fear, the complainant ran away from the place of incident. The statement of Vaibhav Thakur was

recorded by the investigating officer. In the statement, he referred the presence of applicant / accused in the first incident wherein Sidhesh Ramakant Raut and three others were assaulted. The applicant preferred an application for anticipatory bail before the Court of Sessions which was rejected. Hence, he has preferred the present application.

3. Learned advocate for the applicant submitted that the applicant has been falsely implicated. He submitted that the FIR was lodged by the mother of the applicant with the same police station wherein the involvement of the complainant is shown. The said FIR was registered vide C.R. No.152 of 2016. It is submitted that the applicant was assaulted in the said incident. He further submitted that the other accused were arrested and were granted bail. He submitted that no overt act has been attributed. He submitted that he has not assaulted any person in the present crime. He submitted that the applicant is a young boy having no criminal antecedents and he can be released on bail on certain conditions. He is willing to cooperate with the investigation.

4. Learned APP submitted that the applicant is involved in serious crime. He pointed out injury certificate of the injured persons. He

submitted that in the statement of Vaibhav Thakur the participation of the applicant is reflected even in the first part of the incident. He submitted that even in the second part of the incident, the applicant tried to give blow on the complainant by knife. He further pointed out that there are two cases registered against the applicant with Vasai Police Station vide C. R. No.160 of 2014 for the offence under section 324 and C.R. No.19 of 2014 under section 509 of IPC. Learned APP submitted that considering the role attributed to the applicant, the application for anticipatory bail may be rejected.

5. I have perused the documents on record. The complainant has attributed the overt act to the applicant in the second incident. His complicity is also referred by the witnesses in the first incident. The applicant was present alongwith other persons and they were also armed with weapons such as swords, and sticks. The injury certificates shows that the injured persons had sustained injuries. There is no medical certificates showing that the applicant had sustained any injury qua the complaint lodged by the mother of the applicant. Taking into consideration, aforesaid circumstances, and the nature of evidences, I am not inclined to grant this application.

6. Hence I pass the following order;

:: ORDER ::

- (i) Anticipatory Bail Application No.755 of 2017 is rejected.
- (ii) Application stands disposed of.

[PRAKASH D. NAIK, J.]