

Anand

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

BAIL APPLICATION NO.1095 OF 2017

Pranav Tukaram Borse .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.U.Nikam i/b. Mr.A.Satpute, Advocate, for the Applicant
Mrs.R.Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-92 of 2016 registered with the Ambad Police Station, Nashik, for the alleged offences punishable under Sections 307, 385, 386, 427, 504, 506, 507 of the Indian Penal Code and under Sections 3(25) & 4(25) of the Arms Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. He submits that the injuries at Sr. Nos. 2 & 3 of the Injury Certificate show that the same

could not have been caused with a sickle.

4. Learned APP opposes the Application. She submits that the the Applicant is a habitual offender, inasmuch as, there are 29 cases registered against him. She submits that even after the commission of this offence, when he was in jail, a case for extortion has been registered against the Applicant.

5. Perused the papers. The Complainant is Dilip Dattu Datir. He has alleged that on 15.04.2016 at about 8.15 p.m. when he was in his Swift car, the Applicant came alongwith another co-accused. It is alleged that the Applicant threw a stone on the Complainant's car and he and co-accused pulled out the Complainant out of his car. It is alleged that the Applicant assaulted the Complainant with a sickle, however, as the Complainant ducked, the Complainant received an injury on his neck. According to the Complainant, the Applicant started giving filthy abuses and stated that he had not given Rs.1,00,000/- as demanded by him. It is also alleged that the Applicant pulled out a pistol and fired one bullet in the direction of the Complainant, however, as the Complainant ducked, the bullet missed him. There are eye witnesses to the said incident. There is recovery of a blood stained sickle, at the instance of

the Applicant. There are 29 cases registered against him. Considering the nature of allegations, the possibility of the Applicant tampering with the evidence also cannot be ruled out. Hence, the Application stands rejected.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)