

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1154 OF 2017**

Rameshwar Jalindar Manjare	...Applicant
Versus	
State of Maharashtra & Anr.	...Respondents

**WITH
CRIMINAL APPLICATION NO. 627 OF 2017
IN
ANTICIPTORY BAIL APPLICATION NO. 1154 OF 2017**

Bhagwan Subrao Patil	...Intervener
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IN THE MATTER BETWEEN :

Rameshwar Jalindar Manjare	...Applicant
Versus	
State of Maharashtra & Anr.	...Respondents

Mr. Ritesh Thobde for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent No.1-State

Mr. S. R. Pawar for the Respondent No. 2

PN Mr. Vinayak Nivrutti Ghuge, from Pangari Police Station, Barshi, Solapur, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 20th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 130 of 2017 registered with the Pangari Police Station, Solapur, for the alleged offences punishable under Sections 327, 324, 147, 149, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that although the complainant has named the applicant in the FIR, the complainant does not personally know the applicant and that he has mentioned his name, after being told. He submits that the injured-Bhagwan Patil has falsely implicated the applicant, as there is some animosity between the complainant and the applicant. He submits that in a 302 case, the injured had deposed against the applicant and that the applicant was acquitted from the said case. He further submits that the allegations are general in nature.

4. Learned A.P.P opposed the application. She submitted that the incident had taken place, within the jurisdiction of the Barshi Police Station, when infact, the applicant could not have entered the said jurisdiction, in view of the order dated 9th November, 2009 passed by this

Court (Coram : V. M. Kanade, J.) in Criminal Application No. 3916 of 2009. She has tendered the injury certificate of Bhagwan Patil. Learned Counsel for the intervener supports the learned A.P.P.

5. Perused the papers. In the incident which took place on 6th June, 2017, Bhagwan Patil received injuries. In the 164 statement which has been recorded, Bhagwan Patil has stated that the incident took place on 6th June, 2017 when two vehicles i.e. Swift Car and a tempo dashed each other. He has stated that he had settled the dispute between the persons in the Swift Vehicle and the persons in the tempo, however, later, the applicant alongwith other named accused came to the spot, armed with weapons. He has stated that the applicant was armed with an iron tommy and the other accused were armed with iron rods, wooden logs, pipe and sticks. He has further stated that the applicant questioned him, as to why he had resolved the dispute and started assaulting him. The injury certificate of Bhagwan Patil shows that he has sustained two injuries. The said injuries are grievous in nature.

6. Learned A.P.P states that the applicant has six antecedents. Learned Counsel for the applicant disputes the same. He submits that out of the six cases, the applicant has been acquitted in five cases.

7. It appears that this Court had enlarged the applicant on bail, in connection with C.R. No. 69 of 2009 registered with the Pangari Police Station on 9th November, 2009. Whilst enlarging the applicant on bail, the applicant was directed not to enter the jurisdiction of Barshi City during the pendency of the trial. It is not in dispute, that the trial in the said case is not over. The present incident has taken place, within the jurisdiction of Barshi City. The applicant also has antecedents.

8. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant. The application is accordingly rejected.

9. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

10. In view of the disposal of the application, intervention application being Criminal Application No. 627 of 2017 also stands disposed of.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.