

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1243 OF 2017

Prakash Govind Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.687 OF 2017
(For Intervention)
IN
ANTICIPATORY BAIL APPLICATION NO.1243 OF 2017**

Ratikrushna Pattanayak .Intervenor

IN THE MATTER OF

Prakash Govind Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.P.Mundargi, Senior Counsel i/b. Mr.M.Sharma, for the Applicant
Mr.Ajay Patil, APP, for the Respondent – State
Mr.A.V.Shukla, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.155 of 2017 registered with the Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 364A, 397, 323, 385, 504, 506, 114 r/w 34 of the Indian Penal Code, under Sections 3, 25 of the Arms Act and 37(1)(a), 135 of the Bombay Police Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case, due to some previous financial transaction.

4. Learned APP and the learned counsel for intervenor oppose the Application.

5. Perused the papers. According to the Complainant - Ratikrushna Pattanayak, the incident took place on 09.04.2017. He has stated that he received a call from one Shrikant Jadhav, who asked him to come to a spot. He has stated that he went to the said spot in his car, with his driver. He has stated that around 3:30 p.m, Shrikant Jadhav arrived in

his car. According to the complainant, when he was going to meet Shrikant Jadhav, suddenly the applicant came there, put his hand on his shoulder and forced him to sit in his (applicant's) car. He has stated that there were 4 more persons in the applicant's car. He has further stated that he was taken to Borivali, where the car was stopped; that he was pulled out of the car and thereafter, was assaulted by the applicant and 4 unknown persons; and that when he tried to shout, the applicant placed the country-made revolver on his forehead and threatened to kill him. He has stated that the others also assaulted him with baseball bats and wooden sticks. According to the complainant, the applicant was abusing loudly and saying why he was complaining of extortion by him. He has stated that the applicant assaulted him on his head with his country-made revolver. He has stated that one of the persons took his gold chain and mobile phone forcibly. Pursuant thereto, the Complainant was admitted in the Bhakti Vedanta Hospital on the very same day i. e. 09.04.2017 at 4.30 p.m. History given by the patient was of assault with solid blunt wooden object and with butt of a revolver. The Injury Certificate which is on page No.78 of the Application shows that the Applicant has suffered grievous injuries on his person i. e. head injury with CLW on back of

head etc. The Complainant's statement is corroborated by the statement of his driver – Khageshwar Purnachandra Bahera. The applicant, also has antecedents.

6. Considering the material on record, this is not a fit case to grant pre-arrest bail to the Applicant. Hence, the Application stands rejected.

7. In view of disposal of the Application, the Intervention Application, being Cri. Appln. No. 687 of 2017 does not survive and the same stands disposed of accordingly.

8. It is made clear that the observations made herein are prima facie for deciding the aforesaid Application and if an Application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)