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

ANTICIPATORY BAIL APPLICATION NO.1251 OF 2017

Pravin Bhagwan Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.R.D.Suryawanshi, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent-State.

PSI – Sachin Vijay Dhole, Ganeshpuri Police Station, Bhiwandi.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th SEPTEMBER, 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.I-174 of 2017 registered with the Ganeshpuri Police Station, Bhiwandi, Thane (Rural), for the alleged offences punishable under Sections 307, 326, 143, 147, 148, 149, 504, 506 of the

Indian Penal Code and under Sections 4 and 25 of the Arms Act.

3. Learned Counsel for the applicant submits that the allegation as against the applicant is, that he assaulted the complainant (injured) Anant Parshuram Patil with fist and kick blows. He submitted that charge-sheet is filed in the said case.

4. Learned APP opposed the application. She submitted that all the 13 accused in the said case were arrested. She submitted that all the 14 accused including the applicant brutally assaulted the complainant. She relied on the medical certificate of the complainant (injured).

5. Perused the papers. According to the complainant (injured) – Anant Parshuram Patil, the incident took place on 5th June, 2017 at about 2.00 a.m., at the marriage mandap, after the haldi ceremony. The complainant has specifically stated that co-accused – Swapnil Patil, Dhiraj Gharat, Tushar Patil, Vishal Patil, Rupesh Patil were armed with swords and that Swapnil assaulted him with a sword on his head; Dhiraj assaulted him on his face and eyes and Tushar assaulted him on his shoulder. He has

stated that Vishal also assaulted him on his head and that Rupesh assaulted him on his abdomen. He has further stated that the other co-accused – Jayesh Patil, Kapil Thakare, Ganesh Jadhav, Pravin Jadhav (Applicant), Namdeo Patil, Madan Patil, Mangal Patil and Maruti Patil started assaulting him, even before he was assaulted by the others, saying that he should be assaulted and not spared. Pursuant to the assault, the complainant became unconscious. There are 7 eye-witnesses to the incident of assault. The injury certificate shows that the complainant had sustained as many as 7 injuries i.e. 1) CLW 8X1X2 cm on mid-line parietal region with palpable vault fracture; 2) Amision injury of skin 5X4X1cm on right forehead; 3) Incised Laceratal wound 8X3X2 cm on left Hypochondrium 4) Incised Lacerated Wound 5X3X2cm on Left Supraclavicular Region; 5) Incised wound 6X1X1cm on right forearm 6) Multiple friction abrasion 2X3 cm on left shoulder 7) CLW 5X1X1 cm over Dorsum of left hand. It appears that the applicant is absconding from the date of the incident. The FIR clearly discloses the name of the applicant, as well as his role.

6. Considering the material on record, this is not a fit case to grant pre-arrest bail to the applicant. Accordingly, the Application for pre-

arrest bail is rejected and disposed of as such.

7. 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.)