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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1474 OF 2017

Sachin K. Hagare	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr.Rahul Kate i/b Mr.Rupesh A. Zade for the Applicant.

Ms.A.A. Takalkar, APP for the Respondent.

CORAM : T.V. NALAWADE, J.
DATE : 29TH AUGUST, 2017.

P.C. :-

1. The application is filed for anticipatory bail in C.R. No.363 of 2017 registered with Daund Police Station for the offences punishable under sections 307, 324, 325, 143, 147, 148 and 149 of IPC. Heard both sides. The papers of investigation are made available for perusal of this Court.

2. The crime is registered on the basis of the report given by Jayant Chitale. In one incident, from his nephew Sandeep the amount of about Rs.1600/- was collected by the owner of the hotel where the incident took place. Few days after that, the first informant and his 4-5 persons went to the hotel to make enquiry as to why the amount was

recovered when the chair was in broken condition right from beginning. The allegations are made that the present applicant, who is the real brother of the owner of hotel and his staff, assaulted the first informant and the persons, who were in accompany by using the weapons like choppers, bars, knife etc. The allegations are made that the they gave blows even on the head of the first informant.

3. Learned counsel for the applicant submitted that no specific role is attributed by the present applicant and only because he is a brother of the owner of the hotel, he is falsely involved in the matter. This submission cannot be accepted at this stage. His name is mentioned in the FIR and the injury certificate show that at least two persons sustained fracture injuries in the incident. There was injury on the head of the first informant as contended by him in the FIR. Each injured sustained more than three injuries and total 14 injuries were inflicted on the persons, who had gone there to make enquiry. Two persons sustained grievous injuries and due to the nature of allegations, the crime is registered for the offence punishable under section 307 of IPC which is punishable with imprisonment for life.

4. Learned counsel for the applicant submitted that to one accused anticipatory bail is granted by this Court and to the owner, bail is granted. These circumstance cannot be used in favour of the

present applicant. The weapons are yet to be recovered and further for the proper investigation custodial interrogation of the person like the applicant is a must. This Court holds that it is not a fit case to grant relief to the applicant. In the result, the application stands rejected.

(T.V. NALAWADE, J.)