

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1488 OF 2017

Mahesh Dattatraya Jagtap Vs.The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. A.P. Mundargi, Senior Counsel i/b Tejas Hilage for applicant.
Ms. Rutuja Ambekar APP for State.
Mr. V.R. Mankapure, for Intervener.

CORAM : A.S. GADKARI, J.
DATE : 27th September 2017.

P.C.:

- 1] By an Order dated 13th September 2017, the applicant is granted interim.
- 2] Perused the papers of investigation. The first information report is lodged by Suresh Narake. It is submitted that, due to earlier enmity arising out of landed property, two unknown persons having mask on their faces assaulted the first informant on 5.6.2017 at about 4.25 p.m with some weapon on his head. That the first informant thereafter took medical treatment and thereafter lodged the first information report. Injury certificate issued by Kudalkar Hospital, Peth Wadgaon suggests that the first informant suffered subdural haematoma at right region of scalp. It is further observed that there was no bleeding from the said injury.

3] Learned APP submitted that, the role of the present applicant has surfaced after arresting other accused persons in the crime as applicant had given contract to co-accused Juber to assault the first informant.

4] It is to be noted here that, the first informant has stated that the alleged assailants were having mask on their faces. Their identify is not revealed. It appears that the custody of the applicant is being sought only on the ground of strong suspicion which is arising out of earlier enmity over landed property. It is to be noted here that, without there being disclosure of identify of the said two unknown persons who has covered their faces with mask/handkerchief, police as of today have arrested seven persons. May that it as may, in view of the allegations made against the applicant, according to me, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

5] In view thereof, interim relief granted by Order dated 13th September 2017 is hereby confirmed.

However, the applicant is directed to attend the Investigating Officer as and when called for between 10.00 a.m to 1.00 p.m and to join the process of investigation till submission of chargesheet.

6] Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)