

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1552 OF 2017

Deepak Laxman Jadhav and anr. ..Applicants.
vs.
State of Maharashtra ..Respondent.

WITH
ANTICIPATORY BAIL APPLICATION NO.1839 OF 2017

Manik Popat Bhosale and anr. ..Applicant.
vs.
State of Maharashtra ..Respondent.

Mr. S. Joshi for the Applicant.
Mr. Ameet Palkar,APP. for the State,.

CORAM: A.S.GADKARI, J.
DATE : 07th December, 2017.

P.C.

1. By an order dated 13.10.2017 the applicants in both the applications were granted interim relief.
2. Heard Shri. Joshi the learned counsel for the applicants and the learned APP. Perused the record of investigation.
3. The first information report is lodged by Shri. Dattatraya Baban Thigale. It is stated that the applicants herein are residing near the house of the first informant. That on 31.5.2017 the nephew of the informant, who is a minor, informed him that, at about 1.30p.m. the co-accused Yuvaraj called him near the building for playing and thereafter co-

accused Mukesh and Yuvaraj removed his clothes and took his photographs and they also sexually assaulted him. The minor boy informed the said fact to his family members. Thereafter, when co accused Yuvaraj was passing through the house of the informant the brother of the accused tried to assault him by threatening him not to disclose the said fact to his uncle Sunil Bhosale. Sunil Bhosale thereafter approached the informant and told him to settle the matter and they will delete the clip from the mobile. That, on the said night at about 10.20 p.m. accused Bholenath came to the house of the first informant and informed him that the police have called him at Police Station. Therefore, the informant with his brothers and nephew Uday started proceeding to police station along with Bholenath Sawant. In the mid way Bholenath Sawant informed him that police have called him near water tank and when the informant and his family members reached near the water tank Bholenath called the applicants there and thereafter applicants assaulted the first informant with bamboo stick, bricks and stones. It is categorically alleged that the applicant Mangesh Pawar along with Manik Bhosale snatched chain made up of gold from the neck of the first informant and thereafter all the applicants assaulted the first informant namely Dattatraya and other witnesses namely Ravindra and Uday. It is alleged that

the applicants Deepak Jadhav and Manik Bhosale assaulted Uday with stones and bricks on his hand, eyes and chest. In the premise, the first information report is lodged.

4. At the out set, it is to be noted here that the statement of the first informant is duly supported by the injured witnesses and eye witnesses. The version of the first informant is further corroborated by medical certificate issued by the Medical Officer, Rural Hospital, Chandoli, Tal. Khed, Pune. The ornaments of the first informant which are alleged to have been robbed by the applicant Manik and other accused persons are yet to be recovered. The record of investigation clearly indicates the complicity of the applicants in the present crime.

5. After taking into consideration the serious allegations against the applicants and the gravity of the offence this Court is of the view that the applicants do not deserve to be protected by way of pre arrest bail.

6. Applications are accordingly rejected.

7. It is made clear that the observations made hereinabove are prima facie and are in the contest of deciding this application and the trial Court may not influenced by it at the time of trial.

(A.S.GADKARI, J.)