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

ANTICIPATORY BAIL APPLICATION NO. 1687 OF 2017

Chetan Ram Rathod

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Raviraj Gamare for the Applicant.

Mr. Ajay Patil, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 31st OCTOBER, 2017

P.C.:

1] The applicant is apprehending arrest in CR No.388 of 2017 dated 30.6.2017 registered with Vijapur Naka Police Station, District-Solapur under Sections 326, 323, 147, 148, 149 of the Indian Penal Code and under Sections 4 and 25 of Arms Act.

2] It is the prosecution case that, the applicant along with other accused persons assaulted the first informant namely Lakhan Tanaji Pawar and injured witness Prithviraj Pawar with sword, iron rod and fiber pipe on account of earlier tiff which took place on 29.6.2017. There are specific and categorical allegations made against the applicant that, he assaulted the

first informant with fiber pipe. The said weapon used by the applicant is yet to be recovered by the police. The record and the papers of investigation indicate that the first informant has received grievous injuries. It appears from the record that the applicant was sharing common intention with other accused persons and did not prevent the other accused persons from committing offence i.e. assault on injured person.

3] After taking into consideration the serious allegation against the applicant, gravity of offence and since the weapon used in the present crime by the applicant i.e. fiber pipe is yet to be recovered by the police, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

4] Application is rejected.

(A.S.GADKARI, J.)