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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1773 OF 2017

1] Suresh Genuba Shinde
2] Ramesh Genuba Shinde ..Applicants
Vs.
The State of Maharashtra ..Respondent

Mr. Niranjan Mundargi i/b Ms. Manjiri S. Parasnis for Applicants.
Mr. S.H. Yadav, APP for State.

CORAM: A.S. GADKARI, J.
DATE : 9th October 2017.

P.C.

1] This an application under Section 438 of Cr. P.C. for pre-arrest bail in CR No.251 of 2017 dated 7.9.2017 registered with Koregaon Police Station, Satara under Section 307, 452, 143, 147, 148, 149, 324, 504, and 506 of the Indian Penal Code.

2] Heard the learned Counsel for the applicants, and the learned APP for the State. Perused the papers of investigation.

3] The first information report is lodged by Smt. Madhvi Pramod Shinde. It is stated that on 5.9.2017 at about 7.45 p.m there were altercations between the applicants and co-accused on one side and the husband of the first informant namely Pramod and his brother Pravin on

the other side pertaining to settling of account of the Ganesh Mandal. That the applicants along with other accused persons committed criminal trespass in the house of the first informant. At that time applicant No.1-Suresh Shinde was carrying iron rod and applicant No.2-Ramesh Shinde was carrying wooden log/stick in his hand. After entering into the house of the first informant, they administered threats and abused the family members of the first informant. That the applicant No.1 Suresh assaulted with the iron rod on the head of Pravin and applicant No.2-Ramesh assaulted Pramod on his head, back and hands with the wooden log. It is stated that injured witness Pravin got unconscious on the spot and therefore he was shifted to the hospital. That after taking medical treatment, the present crime is registered against the applicant.

4] Learned Counsel for the applicants submitted that there is delay of two days in lodging the present crime. He submitted that apart from the applicants, all the family members have been involved in the present crime and there is scope for presumption that other family members including applicant No.2 have been implicated in the present crime after due deliberation. That there is no corroborative evidence to suggest that Pramod suffered injury by the applicant No.2 Ramesh. He therefore prayed that the applicants may be granted pre-arrest bail.

5] From the first information report, it appears that the applicant No.1-Suresh assaulted Pravin on his head with an iron rod and the said fact is duly corroborated by the medical certificate issued by Medical Officer attached to Yeshwant Hospital, Satara. Injured Pravin suffered CLW over right frontal region with 12 stiches. It is stated that there is undiplaced fracture to right frontal, parietal, spenoid bone and suggested that the nature of injury is grievous. The first informant categorically stated that the applicant No.2 Ramesh was accompanied by applicant No.1-Suresh and had committed criminal trespass in her house and has taken active part in the present crime. The applicant No.2 was holding wooden log/stick and assaulted Pramod. It is necessary for the police to recover the weapons used in the present crime from the applicants and the same can be possible only by custodial interrogation of the applicants.

6] After taking into consideration the material available on record, serious allegations against the applicants and gravity of the offence, this Court is of the view that the applicants does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI,J.)