

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1867 OF 2017

RAGHUNATH LAXMAN SALVI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Jyotiram Jadhav, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent – State.

Mr.R.L.Shele, Kongaon Police Station, Bhiwandi, present in the court.

CORAM : A. M. BADAR, J.

DATE : 17th NOVEMBER 2017

P.C. :

1 The applicant/accused in Crime No.I-142 of 2017 registered with Police Station Kongaon, Bhiwandi, for offences punishable under Sections 452, 325, 324, 323, 504, 506 read with 34 of the Indian Penal Code (IPC), registered at the instance of Virendra Bhujanga Shetty , by this application, is seeking his pre-arrest bail.

2 Heard the learned advocate appearing for the applicant /accused. He argued that Section 452 of the IPC is not applicable to the case in hand. By pointing out paragraph 4 of the order rejecting the anticipatory bail by the Sessions court, the learned advocate argued that reasons stated for rejection of the application are per se false and incorrect. The learned advocate further argued that at the time of incident, the applicant/accused was at his home and his car was parked in the parking area of his house. He is not concerned with the incident in question. The learned advocate further argued that minor injuries are said to have been suffered by the members of the prosecuting party, and therefore, custodial interrogation of the present applicant/accused is not warranted.

3 The learned APP opposed the application with the aid of the case diary and submitted that considering the nature of crime and evidence available, the application deserves rejection.

4 I have carefully considered the rival submissions and also perused the case diary. The crime in question is registered on the basis of report lodged by Virendra Bhujanga Shetty, who was running a hotel named Sairaj Restaurant at Bhiwandi. For entertaining of the guests in the hotel, the hotel used to have an orchestra by engaging four female and four male singers. The First Informant reported that Girish Angde and his associates regularly used to visit his hotel and Girish Angde always used to insist that he should be allowed to sing on the stage of the hotel. The FIR reveals that on 12th September 2017, Girish Angde along with the present applicant/accused and other associates as usual visited hotel Sairaj Restaurant at about 9.00 p.m. and on that day again Girish Angde insisted for permitting him to sing a song. Owner of the hotel refused to oblige. The present applicant/accused then intervened and threatened the owner as well as staff of the hotel by a categorical threat that tomorrow he will show what he can do. While going out, the present applicant/accused is stated to have assaulted the watchman of that hotel.

5 The incident in question, as per the averments in the FIR, took place on 13th September 2017. The First Informant reported that at about 9.45 p.m. of that day, Girish Angde and present applicant/accused Raghunath Salvi along with their associates barged in the hotel armed with wooden logs. They assaulted the staff of the hotel and damaged all musical instruments and tables. Thereafter, they left the spot in the four wheeler, by which they came.

6 During investigation, spot panchnama came to be recorded, which corroborates version of the FIR. Statement of several witnesses show that the present applicant/accused along with his associates barged in the hotel and damaged the musical instruments apart from beating the staff of the hotel. Injury certificate of Virendra Bhujanga Shetty, Hariprasad, Raju and Sushant show that they were assaulted in the incident in question.

7 The ramification of this offence is not limited to the owner as well as injured. It has affected the guests of the hotel also. The manner in which the incident took place and nature of the incident in question does not allow me to grant pre-arrest bail to the present applicant/accused. His custodial interrogation is warranted in order to effect recoveries and for effective investigation of the crime in question. As such, the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)