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

ANTICIPATORY BAIL APPLICATION NO. 1934 OF 2017

Rahul Sakharam Shitole

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Nitin Dalvi for the Applicant.

Mr. Rajan Salvi, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th NOVEMBER 2017

P.C.:

1] The applicant is apprehending arrest in CR No. 745 of 2017 dated 19.10.2017 registered with Shirur Police Station, District- Pune (Rural) under Sections 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

2] It is the prosecution case that, the applicant due to the dispute with the first informant over the way/access road to the agricultural field assaulted the informant namely Ashok S. Shitole with a sickle on his chest, head and thighs.

3] Learned Counsel for the applicant submitted that the applicant has also lodged a cross-case bearing No.744 of 2017 against the first informant in the present CR No.745 of 2017. He submitted that the applicant has also suffered grievous injuries. He submitted that, as a matter of fact, injured in the present crime i.e. CR No.745 of 2017 namely Ashok Shitole was the aggressor and in the said scuffle the applicant has also received grievous injuries. He submitted that after the assault by the first informant in CR No.745 of 2017, the applicant was immediately admitted to the hospital and therefore there is no question of recovery of any weapon at the instance of the applicant. He therefore prayed that the present application for pre-arrest may be granted.

4] Perused the record of investigation. The allegation of the first informant is duly corroborated by the Medical Certificate issued by BJGMC And SGH, Pune, Department of Radiodiagnosis, wherein it is clearly stated that, the first informant namely Ashok Shitole has suffered undisplaced fracture predominantly involving outer table of frontal bone with associated soft tissue swelling and subcutaneous Odema. The said certificate further states that, there is fracture involving predominantly outer table as described above.

5] It is to be noted here that, the complicity of the applicant in the crime is apparent and the weapon used in the present crime is yet to be recovered by the Investigating Agency and the same is not possible without the custodial interrogation of the applicant. After taking into consideration the serious allegations against the applicant, gravity of offence and considering the material available on record, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)