

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2007 OF 2017

Yashwant Ramdas Mhatre & ors. .Applicants
Vs.
The State of Maharashtra .Respondent

Mr. K. S. Patil, Advocate, for the Applicants
Mr. S. H. Yadav, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. The Applicants are apprehending arrest in CR No. 126 of 2017 dated 26.09.2017 registered with New Panvel Police Station, Navi Mumbai under Sections 326, 324, 323 r/w 34 of the Indian Penal Code.

2. The first information report is lodged by Shri Shrikant Manohar Mhatre. It is stated that due to the dispute and altercations over piling of stones on the agricultural band, the Applicants assaulted the first informant and his father with sickle and sticks. In the premise, the first information report is lodged on 26.09.2017.

3. The learned counsel for the Applicants submitted that the first informant and his family members were aggressors and have assaulted the Applicant No.2 Prateesh Mhatre with sickle and he has sustained grievous hurt due to the said assault. He further submitted that the Applicants have lodged the first information report prior in point of

time bearing C.R.No. 125 of 2017. He submitted that as the first informant and his family members in the present case were aggressors, the Applicants tried to resist the attack and therefore, the informant received the said injuries. He, therefore, prayed that the Applicants may be granted pre-arrest bail.

4. Perused the record.

The first information report in categorical terms mentions that the Applicant No.2 had assaulted the first informant on his head with sickle and the other two Applicants with fist and kick blows so also with sticks. The injuries sustained by the first informant are grievous in nature. The counter case filed by the Applicants arising out of said melee clearly denotes their presence and occurrence of the said incident. The weapons used by the Applicants in the present crime are yet to be recovered and the same is not possible without their custodial interrogation.

5. In view of the gravity of the offence and serious allegations against the Applicants, this Court is of the view that the Applicants do not deserve to be protected by way of pre-arrest bail. Application is accordingly rejected.

(A.S.GADKARI, J.)