

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2054 OF 2017

Rahul Nagnath Hingase .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. R. Thobade, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 23.11.2017

P.C.

. This is an Application under Section 438 of Cr. P.C. for anticipatory bail in CR No. 532 of 2017 registered with Vijapur Naka Police Station, Solapur under Sections 326, 324, 504 r/w 34 of the Indian Penal Code.

2. The first information report is lodged by Shri Mukesh Appa Sabale alleging that on 19.09.2017 at about 8.40 p.m. while he was returning after attending his duty at Vijapur Naka, one motor cycle gave dash to his motor cycle. The first informant and his friend fell down. The first informant questioned the driver of the said motor cycle about his said act. The said persons left the said spot. The friend of the first informant namely Sagar received some minor injury and therefore, the

first informant took him to Raghvendra Hospital. When the said Sagar was being treated by Dr., he heard commotion outside the dispensary and saw that three unknown persons including the person who had given dash by his motor cycle to the first informant at Vijapur Naka were assaulting Sagar with iron rods. The said three persons also assaulted the first informant on his legs and back. In the premise, the first information report is lodged.

3. Perused the record.

The record clearly indicates that in the first information report itself, the first informant has given number of vehicle which gave dash to his vehicle i. e. MH-13/AV/4455. The other two co-accused namely Vijaykumar Dhepe and Shivkumar Bedarnur are arrested by the police and during their custodial interrogation, the name of the Applicant as the third assailant has been revealed. The weapon used by the Applicant is yet to be recovered by the police.

After taking into consideration the record of investigation, serious allegations against the Applicant and the gravity of offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

4. Application is accordingly rejected.

(A.S.GADKARI, J.)