

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2056 OF 2017

Kailas Dadabhau Pawar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. N. Patil i/b. M/s. Hulyalkar & Associates, Advocate, for the
Applicant

Mr. V. Chate, 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. 90 of 2017 registered with Otur Police Station, Pune (Rural) under Sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The first information report is lodged by Shri Gangaram Dhondiba Pawar alleging that, he was going to village Madh and was passing through the house of the Applicant. At that time, the father of Applicant namely Dadabhau enquired with the informant about the sand from Kalu river. The first informant replied that he is not aware about the same upon which the co-accused Dadabhau slapped the first

informant and started abusing him. Due to the assault, Gangaram fell down. Co-accused Dadabhau, thereafter, assaulted the first informant with a stone on his right ear. When the first informant shouted for help, the Applicant joined co-accused Dadabhau and pelted stones at the family members of the first informant causing injuries to them. In the premise, the first information report is lodged.

3. Perused the record of investigation.

It is to be noted here that the date of incident is 05.06.2017. The father of the Applicant namely Dadabhau was arrested by the police. The trial Court has recorded a finding that since the date of offence, the Applicant is absconding and is not traceable to the police. The learned counsel for the Applicant submitted that the Applicant was very much present at his place of work. However, the police never contacted him and therefore, it cannot be said that he was absconding. The said statement was recorded only for its rejection at its threshold as the Applicant being son of Dadabhau was not only aware of the fact that his father was arrested but his name is also reflected in the FIR with specific allegations. The Medical Certificates issued in favour of Kundalik Pawar and Heerabai Pawar corroborate the version of first informant Gangaram Pawar.

4. After taking into consideration the serious allegations

against the Applicant, gravity of the offence coupled with the fact that since the date of registration of offence, the Applicant is absconding, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)