

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2167 OF 2016

Vaman Namdeo Bezekar & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

WITH

CRIMINAL APPLICATION NO. 78 OF 2017

IN

ANTICIPATORY BAIL APPLICATION NO. 2167 OF 2016

Bakerao Tukaram Dhivande

...Intervenor

In the matter between

Vaman Namdeo Bezekar

...Applicant

Versus

State of Maharashtra

...Respondent

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Mr.Aniket Nikam i/b. Mr. Aashish Satpute for the Applicants.

Mrs.Rutuja Ambekar, APP for the Respondent -State.

Ms. Smita R. Gaidhani for the Intervener.

Mr. K.T.Ranjave, API, Dindori Police Station, Nashik (present)

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CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 27th February 2017

P.C.:

1. This application is moved by the applicants-accused for pre-arrest bail as the applicants-accused apprehend arrest in C.R. No. 265 of 2016 registered with Dindori Police Station, Nashik for the offences

punishable under sections 307, 354, 326, 325, 341, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code. The incident of assault has taken place on 10th November 2016 at around 6.30 p.m., when the complainant Bakerao Tukaram Dhivande alongwith his father Tukaram Bhau Bhaskar and wife Manisha were returning from the Court. They were attacked and assaulted by thirteen persons. Out of thirteen persons, ten are the applicants-accused, who were attacked with iron rod and wooden stick. The complainant could escape, but other three persons were assaulted. Thereafter, these persons went away from there. The complainant thereafter arrived at the spot and shouted for the help. All three injured persons were shifted to the hospital. They were treated in the hospital and then the complainant had lodged a complaint against the applicants-accused and the F.I.R. was registered.

2. The learned counsel for the applicants-accused has submitted that the applicants-accused are innocent and the F.I.R. was registered out of vengeance against the applicants-accused. The complainant and the injured persons Tukaram and Manisha all are involved in the offences registered at C.R. No. I 200 of 2015 with Dindori Police Station for the offence of double murder punishable under sections 302, 307, 143, 147, 149, 323, 504, 506 of the Indian Penal Code. He has further submitted that the applicants-accused are on interim bail since 20th December 2016 and have attended the police

station. Therefore, the said order be confirmed.

3. The learned prosecutor and the learned counsel for the intervener have opposed this application.

4. The learned prosecutor has submitted that all names are mentioned in the F.I.R. Accused No. 4 Rahul Vasant Bezekar is arrested by the police. She has relied on the injury certificates of three persons. She has submitted that all injuries were grievous. She has further produced a police report and submits that eight persons are having criminal record and hence no bail is granted.

5. Perused the F.I.R., statements of the witnesses and the medical certificates. Medical certificates discloses that all three persons were brutally assaulted and they have sustained grievous injuries. It appears that Manisha was manhandled as abrasions were found on her chest and thighs. A criminal case is pending against the complainant and the injured persons, which shows that the applicants-accused had a motive against the complainant and the injured persons. *Prima-facie*, I am of the view that the applicants-accused were involved in this assault and considering the nature of the injuries and the manner in which the offence has committed, I am not inclined to grant bail.

6. Hence, Anticipatory Bail Application is rejected.

7. In view of the order passed in Criminal Anticipatory Bail Application No. 2167 of 2016, Criminal Application No. 78 of 2017 does not survive and the same stands disposed of.

(MRIDULA BHATKAR, J.)