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

ANTICIPATORY BAIL APPLICATION NO. 1981 OF 2016

Nitin Ramnath Gawade .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO. 1068 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 1981 OF 2016**

Laxmi Nanjaunde Gawada .. Intervener

In the matter between

Nitin Ramnath Gawade .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Manoj Kashinath Sitapure for the Applicant.
Mr. Prakash V. Vora for the Applicant in Cr. Application No. 1068 of 2016.
Ms. Veera Shinde, APP for the Respondent-State.
IO Mr. Anil Kadam, API of Santacruz Police Station present.

**CORAM : A.S. GADKARI, J.
DATE : 4th APRIL, 2017.**

P. C. :

1. The applicant is apprehending arrest in C. R. No. 528 of 2016 registered with Santacruz Police Station, Mumbai under Sections 394, 354(a), 354(d), 427, 143, 147, 149 of the Indian Penal Code. It is allegation against the applicant that on the date of incident, he assaulted the complainant along with other accused persons and robbed a golden chain from her person. The applicant was granted interim relief by this Court by an order dated 17.11.2016.

2. The learned APP submitted that the applicant was already involved in two other crimes, namely, C. R. Nos. 18 of 2010 under Sections 323, 324 read with 34 of the Indian Penal Code and 64 of 2010 under Sections 452, 324, 506(2) of the Indian Penal Code and when he was on bail has committed the present crime. She further on instructions submitted that after the applicant was granted interim relief by this Court, four more crimes have been registered against him.

3. I have perused the report submitted by the learned APP. Out of the aforesaid four crimes, C. R. No. 609 of 2016 is under Section 353, 323 and 504 of the Indian Penal Code. The record reveals that when a Police Constable attached to Santacruz Police Station had been to the place of the applicant for serving the notice of attendance, the applicant has assaulted the said public servant who was performing his lawful duty. This ground itself disentitles the applicant from grant of the discretionary relief of anticipatory bail.

4. After taking into consideration the aforestated facts, this Court is of the considered view that the applicant does not deserve to be released on pre-arrest bail. The application is, accordingly, rejected.

5. As Anticipatory Bail Application No. 1981 of 2016 is rejected, Criminal Application No. 1068 of 2016 does not survive and stands disposed of.

[A. S. GADKARI, J.]