

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

ANTICIPATORY BAIL APPLICATION NO. 13 OF 2018

1) Nitesh Prakash Patil
2) Satyawar Maruti Bhoir

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Abhishek Yende for the Applicants.

Ms. P.N. Dabholkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th JANUARY, 2018

P.C.:

. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No. 169 of 2017 dated 17.09.2017 registered with Wada Police Station, Palghar under Sections 341, 143, 148, 149, 323, 324, 326, 504 and 506 of the Indian Penal Code.

2 Heard the learned Counsel appearing for the Applicant and learned APP. Perused the record of investigation.

3 The FIR is lodged by Shri. Dhiraj Bhoir. It is alleged that on 16.09.2017 at about 7.30 p.m., when the first informant along with his friend Minesh Bhoir were proceeding for having dinner from a Ertiga car via Wada Manor Highway, one Creta car way laid their car and the Applicants along with other accused persons alighted from the said Creta car. The Applicant No.2 was armed with an

iron rod and Applicant No.1 was armed with a wooden stick. That the Applicants started assaulting the first informant on his head, hands and legs. When the friend of first informant namely Mr. Minesh Bhoir tried to rescue the First Informant from the clutches of the Applicants, he was also assaulted by the Applicants and other accused persons. In the premise, the FIR is lodged.

4 The record indicates that the statement of injured witness/ first informant namely Dhiraj Bhoir is duly corroborated by the other witness to the crime namely Minesh Bhoir that, the Applicants were armed with iron rod and wooden stick and assaulted Mr. Dhiraj Bhoir. The injury certificate issued by Siraj Memorial Hospital, Bhiwandi and Rural Hospital, Wada, Dist. Palghar duly corroborates the version of the first informant and the witness. The first informant has suffered fracture at left medial region. The offence alleged against the Applicants is undoubtedly serious in nature. Police are yet to recover the weapons used in the present crime.

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

6 Hence, the application is dismissed.

(A.S.GADKARI, J.)