

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

ANTICIPATORY BAIL APPLICATION NO.70 OF 2018

Maruti Bibhishan Gavli		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. B.A. Aloor for the Applicant.
Mr. N.B. Patil, APP for the State.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *15th January, 2018*

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.989 of 2017, registered at Hadapsar Police Station, Pune, for the offences punishable under Sections 307, 364, 341, 504, 506, 143, 147, 148 Indian Penal Code.

3 It is the case of the prosecution that on 15th October, 2017, one Rohit Tanaji Sonkamble lodged a report at the police station alleging therein that on 14th October, 2017, when he was

proceeding towards Malwadi-Hadapsar road alongwith his female friend, he was intercepted by Jignesh Sonawane, Gautam Shitole, Amol Adegaonkar and had forced him to accompany them. He was taken by all the three persons near Shitaladevi-Hadapsargaon. The present applicant alongwith others was waiting for them. All of them were armed with deadly weapons like hoe. They all had raised a quarrel with the first informant as to why he has joined rival gang of Sujit Varma, although he belonged to the gang of the present applicants. He was threatened of dire consequences, abused and assaulted. In the meanwhile, Ravi Gaikwad and Amin Shaikh had reached the spot and had raised hue and cry and thereafter the assailants had fled from the spot. It appears that the applicant has some criminal antecedents. It appears from the records that the applicant belongs to a gang of Vicky Galte. They had abducted the first informant. The applicant had conspired with the co-accused and had hatched the plan where the first informant would be abducted, threatened and assaulted. All the persons including the applicant were armed with deadly weapons.

4 Learned counsel for the applicant submits that in fact the applicant had lodged the report to the police station on 3rd October, 2017, whereas the incident in question has taken place on 14th October, 2017 and the report is lodged on 15th October 2017. Therefore, it cannot be said that the applicant had lodged the report

in respect of the incident dated 14th October 2017. It is in these circumstances, the application seeking pre-arrest bail deserves to be rejected.

5 The observations made hereinabove are prima facie in nature and are restricted to the application under Section 438 Code of Criminal Procedure and the trial Court shall not be influenced by the same.

(*Smt. Sadhana S. Jadhav, J*)