

Anand

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

BAIL APPLICATION NO. 840 OF 2018

Alpesh Dipak Katpara alias Khodi .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Heena M. A. h/f. Mr. M. O. Singh, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 91 of 2017 registered with the R. C. F. Police Station, Mumbai, for the alleged offences punishable under Sections 394, 397, 341, 506(2) r/w 34 of the Indian Penal Code.

3. Perused the papers. The incident has taken place on 08.04.2017 at about 6.30 p. m.. According to the Complainant, when they were waiting outside a Salon, the Applicant came there and threatened and abused him in filthy language and thereafter, took him to

the adjacent lane and assaulted him with his bracelet on his head; snatched cash of Rs. 3,500/- and his wrist watch. The Complainant as well as eye witness i. e. Raju Ramchandrar Das have named the Applicant. The statement of Raju Das is consistent with the statement of the Complainant with respect to threatening and assault on the Complainant. There is recovery of the Complainant's wrist watch at the instance of the Applicant. The Applicant has three similar antecedents, one of the year 2015 and two of the year 2016. It appears that whilst on bail, the present offence has been committed.

4. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected. However, the trial of the Applicant is expedited. If for no fault of the Applicant, the trial does not conclude within a reasonable period, the Applicant is at liberty to file a fresh Application seeking his enlargement on bail.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)