

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 671 OF 2018

Ravi Ramprasad Chauhan

....Applicant.

Vs.

State of Maharashtra

....Respondent.

Ms. Sharan Bhagat for the Applicant.

Smt. Rutuja Ambekar APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th JUNE, 2018.

P.C.:-

By an Order dated 9th April, 2018 the Applicant was granted interim relief.

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

3 The first information report is lodged by Shri. Imran Abdul Ahmad Manihar. It is alleged that, due to some earlier enmity the accused persons in the present crime assaulted Vajihul Siddique and Abdul Siddique with knife and glass plate. The police, after completion of investigation, have submitted the charge sheet in the Court of competent jurisdiction showing the Applicant as an

absconding accused.

4 The learned counsel for the Applicant submitted that, the name of the Applicant is not mentioned in the FIR. She further submitted that the Applicant is a government servant and if he is not protected by pre-arrest bail, he will lose his job. She submitted that, in view of the injury certificates, it will be inappropriate for the prosecution to apply Section 307 of the Indian Penal Code to the present crime. She further submitted that, the injuries suffered by the injured witnesses were not life threatening and therefore, the Application of Section 307 of the Indian Penal Code is inappropriate. She therefore, prayed that the Applicant may be granted pre-arrest bail.

5 The record indicates that in the FIR, the first informant has mentioned one person as 'uncle of Babu', as one of the assailants and a person who participated in the said unlawful assembly. The statement of injured witness Shri. Abdul Salam Mohammad Idris Siddique has been recorded under Section 164 of the Code of Criminal Procedure by the learned Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Ulhasnagar on 15th December 2017, wherein the said witness has named the present Applicant and has

attributed the role of holding the said witness, to help the accused Babu in assaulting with a knife. The record is thus clear about the clear complicity of the Applicant in helping the co-accused in assaulting the victim. After perusing the entire material available on record, this Court is of the considered view that the involvement of the present Applicant in the present crime is apparent. The police have yet to complete the investigation qua the Applicant.

7 After taking into consideration the material available on record, the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

8 Application is accordingly rejected.

(A.S. GADKARI, J.)