

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 870 OF 2018

Charles Thomas Cherian & Anr	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Milan Desasi, i/b T. R. Patel, for the Applicant.
Smt. J. S. Lohokare, APP for the State/Respondent.
Mr. Landage, API, Malvani Police Station, Mumbai.

CORAM: A. S. GADKARI, J
DATED: 14th JUNE, 2018

PC:-

1. This is an application for pre-arrest bail in CR No.296 of 2018 dated 17th April, 2018 registered with Malvani Police Station, Mumbai under Section 326, 323, 504 r/w 34 of Indian Penal Code. Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

2. The first information report is lodged by Mr. Firdos Shaikh. The prosecution case in brief is that the applicants with a view to get water connection, on 16th April, 2018, after taking permission from the Municipal

Corporation for having water pipeline had dug a trench which was causing difficulties to the nearby residents while passing thereto. After completion of work of laying pipeline, the applicants did not fill it. It caused inconvenience and difficulties to the residents of the vicinity and therefore on 17th April, 2018 at about 10.00 am. the first informant questioned the applicant no.1 about non-filling of the said trench. The applicant no.1 got infuriated and abused the first informant. At that time both the applicants started assaulting the first informant and his friend namely Imran with fists. It is alleged that at that time the applicant no.2 assaulted the first informant with an iron rod on his right hand palm. The first informant thereafter took medical treatment from Dr. Babasaheb Ambedkar Hospital, Kandivali, where it is revealed that the first informant had suffered fracture to his right hand palm. In the premise the first information report is lodged.

3. The medical certificate issued by a Medical Officer attached to Dr. Babasaheb Ambedkar, Hospital, Kandivali (W) clearly mentions that there is a fracture to the bone of the concerned witness. There are statements of four

witnesses on record which clearly show involvement of applicants in the present crime in unequivocal terms. There is sufficient material available on record to proceed with the applicants in the present crime.

4. After taking into consideration the material of investigation, the serious allegations against the applicants and the gravity of the offence this Court is of the view that the applicants do not deserve to be protected by the pre-arrest bail.

5. Application is accordingly rejected.

[A. S. GADKARI, J.]