

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.880 OF 2018

Raju Vitthal Mittha

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Rahul Thakur for Applicant .

Mr.Vinod Chate for Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 26th APRIL, 2018

P.C.:

. Issue notice. Learned APP waives service for Respondent-State.
Heard finally by consent of both the sides.

2. Mr.Thakur, learned counsel for applicant submits that in the meantime applicant be protected from his arrest contending that there is no sufficient role attributed to applicant in the report and on the count that in the history of assault stated in medical certificate assault is at around 11.00 p.m while according to report assault is at 12.30 a.m. It is therefore submitted that false and concocted report is filed and seeks interim bail.

3. Applicant is seeking anticipatory bail for offence punishable under section 307, 452, 109, 143, 144, 145, 147, 148, 149, 323, 504, 506 of IPC. Admittedly, in the report name of applicant is mentioned having armed with hockey stick in his hand. As such involvement of applicant is very much in the report along with other co-accused. Similarly it is contended that as per history stated to medical officer assault was at 11.00 p.m. as against contents of report according to which assault is at 12.30 a.m. However said aspect cannot be considered at this stage, but needs to

be considered at the time of trial by evaluating evidence. As per medical certificate injured is stated to be medically examined in the night at 1.10 p.m. which prima facie connect the time of incident and medical examination.

4. In that view of the matter no case is made out for interim protection. Application is rejected.

(P.N. DESHMUKH, J)