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

BAIL APPLICATION NO. 1241 OF 2017

Anthony Kaspar Sugitharam

... Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Prashant Gurav, for Applicant.

Ms. J.S. Lohokare, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th FEBRUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 107 of 2015 dated 2.3.2015 registered with Malad Police Station, Mumbai under Sections 307, 326, 324, 323, 141, 143, 147, 148, 149 and 120(B) of the Indian Penal Code r/w 37 (a), 22-51, 135 of Bombay Police Act.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, the applicant along with other accused persons in conspiracy with each other formed unlawful assembly

and due to the earlier enmity, assaulted injured witness Sunil Kadam and Ramesh Kadam with deadly weapons like iron rod, chopper and swords. The first information report is lodged by Mr. Ajay Kadam, nephew of injured witnesses. During the course of investigation, the applicant came to be arrested on 3.3.2015 and after completion of investigation, the police have submitted chargesheet.

4] It is to be noted here that, in the first information report itself the role of assault on the head of the injured witness with the aid of iron rod is attributed to the applicant. The medical record annexed to the chargesheet duly corroborates the said version. The record further indicates that principal accused is Antosh @ Barkya Malkar and the applicant is a member of his gang. There is a recovery of iron rod at the instance of applicant. The material available on record clearly indicates the complicity of the applicant in the present crime. The assault on the injured witnesses was a gruesome attack.

5] After perusing the record, this Court is of the view that the applicant does not deserve to be released on bail.

6] Application is accordingly rejected.

(A.S.GADKARI, J.)