

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1016 OF 2018

Radheshyam P. Goswami ..Applicant.

vs.

The State of Maharashtra ..Respondent.

Mr. Ashwin Thool with Adv. Reshma Mutha for the
Applicant.

Mr. Prashant Jadhav, APP. for the State.

CORAM: A.S.GADKARI, J.

DATE : 22nd May, 2018

P.C.

1. This is an application under Section 438 of Cr.P.C. for pre arrest bail in CR No.I-140 of 2018 dated 23.4.2018 registered with Naupada Police Station, District Thane under Sections 307, 394, 326, 324, 114, 109 read with 34 of the Indian Penal Code and under Section 37(1) and 135 of the Bombay Police Act.

2. Heard the learned counsel for the applicant and the learned APP. Perused the record.

3. The first information report is lodged by Smt. Savitri Vijay Singh, aged about 56 years, the victim in the present crime. It is stated that she and her husband namely Mr.

Vijay had advanced hand loan of Rs.2,50,000/- to the applicant five to six years prior to the date of the incident. Her husband expired two years prior to the date of the incident. As the first informant was in dire need of money she repeatedly requested the applicant for repayment of the said amount however, whenever the first informant had been to the applicant to meet him, he did not meet her. That, on 22.4.2018 at about 9.30p.m. when the first informant had been to the commercial establishment of the applicant for demanding her money, the co-accused assaulted her mercilessly with fiber sticks. The first informant suffered grievous injuries. It is stated that, at the time of commission of assault, co-accused Babaji told other accused persons that the applicant had told them to commit murder of the first informant. The accused persons also committed robbery of gold metal chain which was on the person of the first informant. In the premise, the first information report is lodged.

4. The learned counsel for the applicant submitted that, admittedly the applicant was not present at the scene of

offence. He submitted that, it is only on the basis of the allegations that, he told co-accused Babaji to commit murder of the first informant, the applicant has been impleaded in the present crime. He further submitted that the applicant has nothing to do with the present crime and therefore, he may be protected by way of pre-arrest bail.

5. Perused the record of investigation. Indubitably the first informant has received grievous injuries including a fracture and one deep CLW on her head. The entire cause for commission of assault on the first informant is the applicant who despite accepting of hand loan, did not return it to the first informant and when the first informant had been to the place of offence for demanding the said amount, at the instance of the applicant other co-accused mercilessly assaulted her. The first informant had categorically stated in her report that co accused Babaji told and instigated the other accused to commit murder of the first informant as per the directions of applicant. The statements of other witnesses on record corroborates the version of the first informant. There is sufficient material

on record to show the clear complicity of the applicant in the present crime.

6. After taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the opinion that the applicant does not deserve to be protected by pre-arrest bail.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)