

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1199 OF 2018
Mr.Agastin J.Nadar and ors. vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.M. Yadav for the Applicant.
Mr.S.S.Hulke, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 20th June, 2018

P.C.

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.201/2018 dated 24.5.2018 registered with Charkop Police Station, Mumbai under Sections-326, 324, 323, 504 read with 34 of the Indian Penal Code.

2. The first information report is lodged by Mr. Kaliraj Nadar stating that, on 23.5.2018 at about 9.00p.m. he parked his scooter near the house of applicant No.1 to which the applicant No.1 objected and the applicant No.1 along with other applicants initially started quarrelling with the first informant. It is stated that, the applicant No.1 assaulted the first informant

with a chopper. The applicant No.2 assaulted the first informant with an iron rod on his head and the applicant No.3 also assaulted him with an iron rod. It is stated that the first informant received injuries on his face back and calf. It is also stated that the applicant No.1 assaulted the informant with blunt side of the chopper due to which he suffered fracture on the right hand palm. The first informant took medical treatment at Babasaheb Ambedkar Hospital Kandivali and thereafter lodged the present crime.

3. The learned counsel for the applicant submitted that as a matter of fact the Applicant No.1 at an earlier point of time has lodged CR No.200/2018 dated 24.5.2018 against the first informant John Kaliraj Nadar under Sections 324, 504 read with 354 of the Indian Penal Code for assaulting the applicant No.1 with a scythe over some earlier quarrel between them. Though the applicant No.1 suffered grievous injuries the police have recorded the crime lodged by the applicant No.1 under Section 323, 324 of the I.P.C. and the first informant was permitted to release on bail. He further submitted that the first informant Mr. Kaliraj Nadar is a history sheeter on the records of Charkop Police Station and there are four Non Cognizable offences

lodged against him. He submitted that the present crime is registered as a counter blast to the the crime registered by applicant No.1 bearing CR No.200/2018. He submitted that, nothing has to be recovered from the applicants and therefore, the applicants may be granted pre-arrest bail.

4. The presence of the applicants at the scene of offence is duly established. The FIR is very clear about the roles played by the applicants in the present crime. The record further indicates that the first informant Mr. Kaliraj Nadar has suffered serious injuries on his person including fracture to his right palm. The weapons in the present crime namely scythe and iron rod are yet to be recovered by the police. The investigation is at a nascent stage and unless and until the applicants are custodially interrogated, the recovery of weapons is very difficult.

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

6. Application is accordingly rejected.

(A.S.GADKARI, J.)