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

CRIMINAL BAIL APPLICATION NO.1490 OF 2017

Anil Ramesh Karotiya

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Vikram Chavan a/w Mr.Amod Eklaspur, Mr.N.S.Waradkar i/b
M/s.C.K.Legal, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

PSI – M.R.Patil, Ulhasnagar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-97 of 2016 registered with the Ulhasnagar Police Station, Thane, for the alleged offences punishable under Sections 302, 120B, 143, 144, 147, 148, 149, 201 and 506(II), of the Indian Penal Code; under Sections 4(25) of the Arms Act and under

Sections 37(1), 135 of the Maharashtra Police Act.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case. He submitted that no blood stains were found on the person of the applicant, when he was arrested on the next day i.e. 11th May, 2016 and that there is no recovery, at the instance of the applicant. He relied on the order dated 16th November, 2017, passed by this Court (Coram:A.M.Badar,J.) in Bail Application No.1369 of 2017 enlarging co-accused – Akash Ramavtar Zhanjorkar, on bail.

4. Learned APP opposed the bail application. She submitted that there is no parity with co-accused – Akash Ramavtar Zhanjorkar, who has been enlarged on bail by this Court vide order dated 16th November, 2017. She submitted that infact there is parity with co-accused - Harshal Manohar Bendre and Manoj Ramesh Karotiya, whose bail applications were rejected by the very same Court vide order dated 16th November, 2017. She submitted that the applicant has been named both in the FIR as well as in the 164 statement by the complainant-Gautam Surwade.

5. Perused the charge-sheet. It appears that there was some altercation between the deceased and Accused No.1-Sajan Tak, sometime in January, 2015. It is alleged that the applicant was also present in the said altercation, which took place in January, 2015 with co-accused –Sajan. With respect to the said incident of January, 2015, there are cross complaint, lodged by both the sides. A perusal of the statement of the complainant/First Informant –Gautam shows that the deceased was called by Accused No.1-Sajan Tak, on 10th May, 2016; that the complainant followed the deceased and the co-accused; and that he witnessed the accused assaulting deceased with weapons, such as sword, knife, iron rod and chopper. The complainant/First Informant has both in the FIR as well as in his 164 statement named the applicant as being one of the assailants. Infact, similarly placed co-accused – Harshal Manohar Bendre and Manoj Ramesh Karotiya, who were also named, in the FIR and in the 164 statement, their bail applications were rejected by this Court (Coram:A.M.Badar,J.) vide order dated 16th November, 2017. Merely because there were no blood stains on the clothes of the applicant, who was arrested on the next date, would not *prima facie* show that the applicant was not connected with the alleged offences. There is one antecedent, as against the applicant i.e.

C.R.No.118 of 2016, registered with the Central Police Station, alleging offences punishable under Sections 326 etc.

6. Considering the *prima facie* material as against the applicant, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)