

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1401 OF 2018**

Dhanbaba Mallappa Pawar @ Butler Applicant.
Vs.
The State of MaharashtraRespondent.

Mr. Sudhir P. Khatu I/by R.S.Jaiswar, Advocate for the Applicant.

Smt. Rutuja Ambekar, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 3rd August, 2018.

P.C.:-

1) This is an application under Section 438 of Cr.P.C. for pre-arrest bail in CR No. 162 of 2018 dated 4/6/2018 registered with V.B. Nagar Police Station, Mumbai under Sections 326, 324, 323, 504, 506, 427 read with Section 34 of the Indian Penal Code.

2) Heard learned Counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3) The First Information Report is lodged by Shri Mohammad Abdul Ali. The prosecution case, in brief, is that the applicant and other accused persons were consuming liquor in front of the house of Mr. Wasim. That Mr. Wasim took objection for the same

on which the applicant and other accused persons started abusing and creating ruckus at the said place. When the informant, his brothers Rafiq and Mufit tried to pacify the said quarrel, it is alleged that the applicant hit with a liquor bottle on the head of said Mr. Mufit. The applicant thereafter assaulted Mr Rafiq with an iron rod on his head and other accused person namely Sunny also assaulted Rafiq. In the said assault, the informant lost his chain of gold metal which was on his person. After taking medical treatment, the informant has lodged the present crime.

4) The medical certificate issued in favour of informant Mohammad Abdul Ali and injured witnesses, namely Mr Rafiq and Mr. Mufit duly corroborates version narrated by the first informant. Mr. Rafiq Khan has sustained two C.L.Ws on his right lower knee and a fracture to the right little finger. Thus, the version narrated by the first informant is duly corroborated by the medical certificates issued in favour of the injured witnesses. The police are yet to recover the weapons used in the present crime. The allegations made against the applicant are undoubtedly serious in nature.

5) After taking into consideration the record of investigation, serious allegations against the applicant and the gravity of the offence,

this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

6) Application is accordingly rejected.

(A.S. GADKARI, J.)