

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1458 OF 2018
Shankar R. Singade vs. The 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. Ashish Dubey with Ms. Ankita Upadhyay for the Applicant.

Mr. M.G.Patil, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 31st July, 2018

P.C.

1. This is an application under Section 438 of the Cr.P.C. for pre-arrest bail in CR No.210 of 2018 dated 19.3.2018 registered with Dahisar Police Station, Mumbai under Section 326, 323, 504, 506 read with 34 of the Indian Penal Code.

2. The first information report is lodged by Shri. Siddesh Sharma. It is alleged that due to some misconception over a tiff, which took place on a street, the applicant and other accused-persons mercilessly assaulted the informant by

wooden stick and bamboo. A categorical role has been attributed to the applicant of assault by kicks and fist blows on the chest of the informant. The informant suffered bleeding injuries to his head. When the informant raised hue and cry, the applicant and other accused persons fled away from the scene of offence.

3. The learned counsel for the applicant submitted that, there is allegation against the informant and his brother, alleging assault on the applicant with glass bottle and therefore, CR bearing No.211 of 2018 dated 19.3.2018 under Section 324, 323, 504, 506 of the Indian Penal Code has been lodged with the same Police Station. He submitted that, there is no motive attributed to the applicant. He therefore, prayed that the applicant may be granted pre- arrest bail.

4. It is to be noted here that, the Medical Certificate issued in favour of Shri. Shankar Singade i.e. injured witness duly corroborates the version of assault by the applicant and other accused. The lodgment of the cross case bearing CR No.211/2018 indubitably asserts the

presence of the applicant as one of the accused persons at the scene of offence. The investigation of the present crime is at nascent stage. The police are yet to recover the weapons used in the crime.

5. In view of the above and after taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the considered opinion that, the applicant does not deserve to be protected by pre - arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)