

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

CRI. BAIL APPLICATION NO. 1866 OF 2018

Jitesh @ Bandu Sampat Murtadak ... Applicant.
V/s.
The State of Maharashtra ... Respondent.

Mr. Himanshu Kode, Advocate for the Applicant.
Mrs. J.S.Lohakare, APP for the State.
PI-Vijay Dhamal, Panchavati Police Station, is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 12, 2018.

PC :

1 This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No. 201 of 2017, registered at Panchavati Police Station, Nashik for the offences punishable under Sections 302, 120B, 212, 143, 147, 148 read with section 149 of the Indian Penal Code and under section 35 of the Bombay Police Act.

2 Heard Mr. Himanshu Kode, learned counsel for the applicant, Mrs. Lohakare, learned APP for the State. Perused

the records and considered the submissions advanced by the learned Counsels for the respective parties.

3 The aforesaid crime was registered pursuant to the first information report lodged by one Nitin Dinkar Pagare. The first informant has stated that on 18.05.2017 at about 10 p.m., he was proceeding to the house of his maternal aunt and when he reached near the house of Salve at Navnath Nagar, he saw his cousin - Kiran Rahul Nikam. He also saw the co-accused Santosh Ughade and Santosh Pagare stopping the motorcycle of Kiran Nikam. The said co-accused told Kiran Nikam that they wanted to talk to him and when Kiran stopped his motorcycle, the present applicant alongwith co-accused Ganesh Ughade, Bandu Murdak and their other associates came to the spot, armed with sharp weapons and started inflicting injuries on Kiran Nikam. The first informant has alleged that the applicant and other co-accused inflicted injuries on Kiran Nikam, even after Kiran had fallen on the ground.

4 The learned counsel for the applicant submits that the first informant is not an eye witnesses and further more that the contents of the first information report are not consistent with the statement recorded under section 161 Cr.P.C..

5 At this stage, while the order was being dictated and when it was expressed earlier that this is not a fit case for grant of bail, the learned counsel for the applicant sought leave to withdraw this bail application. Leave granted.

6 Application is dismissed as withdrawn.

(SMT.ANUJA PRABHUDESSAI, J.)

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