IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2088 OF 2018

Abhijeet Jaywant Khambe …Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi for the Applicant.
Mr. N.B. Patil, APP for the Respondent -State.
Mr. A.S. Nadaf, Police Constable, Islampur Police Station, Sangli, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 6th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No.303 of 2018 registered with Islampur Police Station, District Sangli, for the offences punishable under Sections 143, 144, 149, 307 and 324 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951.

2. Mr. Satyavrat Joshi, the learned counsel for the Applicant submits that the FIR was lodged against unknown persons. He further submits that photographs of the assailants, who were granted remand were already published in the newspapers. He claims that identity of

the Applicant has not established. He further contends that the co-accused has been released on bail and that considering the nature of the offence the Applicant is entitled for bail.

3. Mr. N.B. Patil, the learned APP submits that the Applicant herein is the main assailant and that he had inflicted injury on the head of the first informant. He further submits that investigation is still under process.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

5. The aforesaid crime came to be registered pursuant to the FIR lodged by one Ganesh Shewale. The FIR prima facie reveals that said Ganesh is a member of Kranti Shetkari Sanghatana. On 10th July, 2018 at about 11.15 p.m. he was returning home after attending a birthday party. He claims that he had parked his car by the side of the road and went to urinal, at which time 10 to 12 unknown persons within the age group of 20 to 25 years, surrounded and threatened him. One of the persons, who was working as manager at Essar Petrol Pump, Islampur, took him away towards one Dhaba and questioned

him whether he is a leader of Rayat Kranti Sanghatana. The said persons thereafter assaulted him by kicks and blows and tore his shirt. The first informant states that the manager of Essar Petrol Pump took out a rod from his motor cycle and inflicted blows on his shoulder and head. He shouted for help and when his friends came to his rescue, the assailants ran away from the place of the incident. The material on record reveals that the first informant had sustained head injuries.

6. The material on record reveals that the Applicant herein was working as a Manager at Essar Petrol Pump. The first information report reveals that the Applicant had threatened the first informant even prior to this incident. Hence, the first informant knew the Applicant by face and also by his designation. This being the case, prima facie there is no dispute regarding the identity of the Applicant.

7. The material on record reveals that the Applicant was involved in inflicting blows by means of an iron rod on the vital part of the body of the complainant. The case is still under investigation and releasing the Applicant at this stage can hamper the investigation.

8. Considering the role played by the Applicant and also

considering the nature of the allegations levelled against the Applicant and so also the fact that the case is still under investigation, this is not fit a case to grant bail. Hence, the application is rejected.

9. Suffice it to say that the observations made whilst deciding this application are prima facie and are not to be construed as an expression on merits of the matter.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha Shridhar Parab
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Date: 2018.09.10 16:17:34 +0530