

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

CRI.ANTICIPATORY BAIL APPLICATION NO.1687 OF 2018

Shashikant Patil & Anr.

.. Applicants

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Tariq Khan, Advocate for the Applicants.

Mr.R.M. Pethe, APP for the Respondent - State.

Mr.A.J. Shelke, PSI, Govandi Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 24, 2018.

P.C. :

This is an application for anticipatory bail in connection with CR No.191 of 2018, registered with Govandi Police Station for the offences punishable under Sections 326, 323, 504, 506 read with 34 of IPC.

2 Applicants are father and son who are apprehending arrest in connection with the aforesaid First Information Report. The prosecution case is that the complainant was assaulted by the applicant by fist blows on account of display of hoarding of Shiv Vahatuk Sanghatana. Wife of the complainant was also

allegedly abused and threatened by the accused. Complainant was treated in the hospital. He suffered nasal fracture due to assault on his face.

3 Learned advocate for the applicants submits that the applicants are falsely implicated in this Court. There is nothing to be recovered from the applicants. They are willing to co-operate with the investigation. They did not use any weapon for allegedly assaulting the complainant. The injury is self inflicted. Complaint of the applicants was not entertained by the police.

4 Per contra, learned APP pointed out that there is specific allegation of assault against the applicants. The medical report supports the version of the complainant. The medical papers also establish that there is a fracture, which support the charge under Section 326 of IPC. Learned APP also pointed out that there are criminal antecedents against accused no.1. He tendered report submitted by the police opposing the application for anticipatory bail, which makes reference to the cases registered against the applicant no.1. The report indicate that three cases were registered against applicant no.1 at Trombay Police Station, vide CR Nos.91 of 1997 , 157 of 1998 and 64 of

2004. It is also stated that action under Section 56 of the Bombay Police Act was also initiated against him. It is also indicated that two cases are registered against applicant no.1 vide CR No.129 of 2001 and 12 of 2003, with Gavdevi Police Station.

5 Learned advocate for the applicants submits that most of the cases have resulted into acquittal. Learned APP submits that out of the cases registered against the said applicants, the case registered with Govandi police station are pending before the concerned Court.

6 Taking into consideration the nature of allegations levelled against the applicants and the medical evidence referred hereinabove, no case for grant of anticipatory bail is made out. Hence, Criminal Anticipatory Bail Application No.1687 of 2018, stands rejected.

(PRAKASH D. NAIK, J.)