

JPP

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

CRIMINAL APPEAL NO. 1062 OF 2018

Arjun Shankar Yadav and Anr.

... Appellants.

V/s.

The State of Maharashtra and Anr.

... Respondents.

Mr. Rahul S. Kate for the Appellants.

Ms. M.M. Deshmukh, APP for the State.

***CORAM : S.S. Shinde and
Smt. Mridula Bhatkar , JJ.***

DATE : 31st August, 2018.

P.C. :-

Heard learned Counsel appearing for the Appellants and the learned APP appearing for the State. The learned Counsel for the Appellants submits that as a matter of fact the Appellants were not present when the alleged incident had taken place. It is submitted that CCTV Footage would make it clear that the Appellants were not present at the time of alleged incident. It is submitted that the Investigating Officer has collected the CCTV Footage during the course of investigation as also prepared the panchnama. It would indicate that the Appellants were not present

at the scene of offence. Therefore, the learned Counsel appearing for the Appellants submits that the Appeal deserves to be allowed thereby granting prayer of the Appellants to grant them anticipatory bail.

2. On the other hand the learned APP states that relying on the papers and particularly medical certificate, submits that the victim was treated as indoor patient for 21 days. The Appellants are responsible for the injuries inflicted on the vital part of the body. The injuries are incise wounds and therefore the Appeal may be dismissed.

3. We have given careful consideration to the submissions of the learned Counsel appearing for the Appellants and the learned APP for the State. With the able assistance of the learned APP we have carefully perused the investigation papers and particularly, a medical certificate. In our prima-facie opinion, the ingredient of alleged offence have been attracted and alleged offences are disclosed. No case is made out. The Appeal is rejected. The observations made herein above are prima-facie in nature. The rejection of this Appeal shall not be construed as an impediment to the Appellants. In case the Appellants wish to avail of a further remedy by way of filing application for regular bail in the event of their arrest.

(Smt. Mridula Bhatkar, J.)

(S.S. Shinde, J.)