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

CRIMINAL BAIL APPLICATION NO.2740 OF 2017

Nitin @Tatlya S/o Ramakant Bhosle	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Akram Kapoor, for the Applicant.

Ms.P.N.Dabholkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.463 of 2016 registered with the Worli Police Station, Mumbai, for the alleged offences punishable under Sections 307, 504, 506 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

3. Perused the charge-sheet. The incident has taken place on 16th December, 2016 at about 12.00 noon. According to the complainant, he had taken his motorcycle for repair to the mechanic; that in order to check the fault in the motorcycle, the mechanic – Abhishek, had taken the motorcycle for a ride, while he stood at the garage; and that at about 12.05 p.m., the applicant driving a Honda Shine Bike, dashed him from behind, as a result of which, both fell down. The complainant has further alleged that when he asked the applicant, to ride his bike properly, the applicant started abusing him in filthy language and asked him to compensate for the damages caused to his bike. The complainant has further stated that when he pointed out the applicant's mistake, the applicant threatened him and told him that he was the don of the area and pulled out a chopper/koyta from his waist, threatened him with dire consequences, and thereafter assaulted him on his head with a chopper/koyta. According to the complainant, the applicant told him that he was free to lodge a complaint; that he had a criminal record and that even the police could do nothing to him and thereafter fled from the spot. The complainant thereafter called the Police Control Room, pursuant to which, the police reached the spot and took the complainant to Podar Hospital for medical treatment. The history given by the

complainant to the police is consistent with the FIR. The complainant has received a head injury i.e. an incised injury on his head. It appears that the said incident was witnessed by 3 eye-witnesses. The weapon used by the applicant has been seized, at his instance. The applicant has 11 cases, registered against him, which are similar in nature, and which are pending. It also appears that on two occasions, externment orders, were passed against him. In this background and having regard to the facts, the possibility of the applicant tampering with the witnesses and threatening them and the complainant, cannot be ruled out.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

5. Accordingly, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited

6. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall

decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)