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

ANTICIPATORY BAIL APPLICATION NO.2381 OF 2018

Mohsin Moiddin Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Pratap Patil for applicant.

Mr. Ajay Patil, AAP for State.

CORAM : A.S.GADKARI, J.

DATE : 22nd November 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C for pre-arrest bail in CR No.155 of 2018 dated 04.10.2018 registered with Khopoli Police Station, District- Raigad under sections 452, 427, 324, 323, 504, 143, 147, 148, 149 of the Indian Penal Code.

2] Heard the learned counsel appearing for the applicant and the learned APP for the State. Perused the record.

3] The first information report is lodged by Shri. Raj Vazarkar. It is alleged that, due to earlier enmity the co-accused Siddhant and other co-accused on 3.10.2018 at about 10.40 p.m assaulted him with PVC Pipe. When the informant Raj Vazarkar had been to the Municipal Hospital for taking treatment

for his injuries, his friend Prasad Kadam informed him on telephone that other accused persons have committed criminal trespass in his house and assaulted his family members. That due to fear, the family members have pulled down the shutter of their house and have locked themselves inside. In the premise, the first information report is lodged on 4.10.2018.

4] The learned counsel for the applicant submitted that, in the first information report neither the name nor any role played by him in the crime has been mentioned. He submitted that, the applicant was not present at the scene of offence. That there is political enmity between two groups namely the group of first informant and the group of Siddhant Shelar and due to the said rivalry with due deliberation the name of the applicant is added in the present crime. He submitted that, the co-accused on earlier occasion had lodged a crime against the first informant Raj Vazarkar and other accused persons and as a counter blast the present crime is registered against Siddhant Shelar and other accused. He therefore prayed that the applicant may be protected by way of pre-arrest bail.

5] It is the fact on record that, the name of the present applicant is not mentioned in the first information report lodged by Raj Vazarkar. It is to be noted here that, there are chain of events which took place even after the assault on first informant by Siddhant and other accused persons. The statement of Smt. Nanda Vazarkar, mother of the informant has been recorded by the police. In her statement, she has categorically stated that when the first informant had been to

Municipal Hospital for treatment for his injuries caused in the assault by Siddhant and other accused, Siddhant along with the present applicant came at her house. That the applicant was accompanied by six other accused persons and they committed criminal trespass in their house and abused her family members in filthy language. It is stated that, the applicant pushed Sitaram i.e. brother-in-law of the said witness. Sitaram fell down and at that time Siddhant lifted grand-son from his hand and threw said child on floor. It is thus clear that the applicant along with Siddhant committed criminal trespass in the house of the informant and the applicant helped co-accused Siddhant in throwing grand-son of Smt. Nanda on the floor and thereby causing injuries to him. The allegations against the applicant are indubitably serious in nature and requires thorough investigation by the Police.

6] After taking into consideration the aforesaid facts, serious allegations against the applicant and the gravity of offence, this Court of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

7] Application is accordingly rejected.

(A.S.GADKARI, J.)