

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2399 OF 2018

Meshak Subbarao Sallagali

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Prashant Patil for the Applicant.

Mr. N.B. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 24th NOVEMBER, 2018.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No. 257 of 2018 dated 15th August, 2018 registered with Vishrantwadi Police Station, under Sections 307, 506 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record.

3 The first information report is lodged by Shri Dashrath P. Barwase, the father of victim Shri. Vijay Barwase.

It is the prosecution case in brief that, the Applicant was having an affair with Ms. Neha, the daughter of first informant. That, the said daughter refused to continue love affair with the Applicant and therefore, on 15th August, 2018 at about 1.30 a.m., when the victim Shri Vijay Barwase i.e. the son of informant, was returning to his house, the Applicant along with his friends assaulted him with a sharp edged weapon. The victim received injuries on his head, left ear, face and on the left hand wrist. In the premise, the present crime is registered.

4 Mr. Patil, the learned counsel appearing for the Applicant submitted that, prior to the lodgment of the present crime, the Applicant had filed a private complaint under Sections 420, 504 and 506 of the Indian Penal Code against Ms. Neha Barwase and the Trial Court has issued process in the said Complaint by its order dated 16th December, 2017. He further submitted that, the Applicant has also lodged a NC complaint on 2nd June 2018 against the son of the first informant under Sections 323, 504 and 506 of the Indian Penal Code. He submitted that, the present crime therefore, has been registered with a view to falsely implicate the Applicant in a cognizance offence and therefore, the Applicant may be protected by pre-arrest bail.

5 I have perused the record of investigation. The Medical Certificate issued by Sassoon General Hospital, Pune mentions that, the victim has received 5 incised wounds on various parts of his body and it is stated that, the said injuries have been caused by a sharp edged weapon. The injury No.1 suffered by the victim on his right ear is upto the mouth and admeasuring 15 cm. The other injury suffered by the victim on parietal region admeasurs about 12 cm. The third injury suffered by the victim on his temporal region admeasures about 10 cm. in length. The other two incised wounds admeasured of 8 cm. and 6 cm. in length and 2 cm. in depth, respectively.

6 The investigating agency has also recorded statement of the victim Mr. Vijay Barwase. He has categorically assigned the role of assault with a Chopper used by butcher, by the Applicant. The Medical Certificate issued by the Sassoon General Hospital, Pune duly corroborats the version of the first informant and the victim Mr. Vijay Barwase. The police are yet to recover the said chopper/weapon used by the Applicant in the present crime.

7 After taking into consideration, the gravity of the offence and the serious allegations against the Applicant and the need of recovery of the weapon to be effected by the police, this Court is of

the considered view that, the Applicant does not deserve to be protected by pre-arrest bail.

8 Application is accordingly rejected.

(A.S. GADKARI, J.)