

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2225 OF 2017

Durvesh Y. Patil vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Abhishek Yende for the Applicant.

Shri. Ameet Palkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 31st January, 2018

P.C:

1. The learned counsel for the applicant on earlier occasion has taken a plea of alibi and in defence of the applicant had submitted that on the date of offence at about 7.30p.m. he was not present at the scene of offence and was present at Wada check post upto 7.30p.m. In view thereof the APP. was directed to verify the CC TV footage from the said spot. The learned APP on instructions submitted that the Investigating Officer has verified the CC TV footage and it is revealed that the applicant was present at Wada Check post upto 7.15 p.m. and thereafter his presence is not seen. The learned APP submitted that the distance between the scene of

offence and the said Wada Check post is hardly 7 Kms. and the said distance can be travelled within a period of 10-minutes by a motor cycle. The FIR indicates that, the role attributed to the applicant is that of assault with wooden stick to the injured. The Medical record of the first informant and the injured Mitesh Bhoir is duly corroborates the said version. As the defence taken by the applicant of alibi is prima facie proved to be false defence, this Court is of the view that the applicant is not entitled for discretionary relief in that behalf.

2. Application is accordingly rejected.

(A.S. GADKARI, J.)