

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI ANTICIPATORY BAIL APPLICATION NO. 2490 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1489 OF 2018

Nitesh Mangesh Manjrekar & ors. ...Applicants

Versus

The State of Maharashtra and anr. ...Respondents

Mr. M. P. Mishra, i/b K. C. Tiwari, for the Applicants.

Mr. M. G. Patil, APP for the Respondent/State.

Mr. Santosh Rasam, API, Vile Parle Police Station, present.

CORAM: PRAKASH D. NAIK, J

DATED: 5th December, 2018

PC:-

1. This is an application for anticipatory bail in connection with CR No. 426 of 2018 registered with Vile Parle Police Station, Mumbai, for the offences punishable under Sections 142, 143, 147, 149, 353, 325, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. The case of prosecution is that the incident occurred on 18th November, 2018 at about 8.30 pm. when it was found that the accused were consuming alcohol in the new Airport Colony, Vile Parle, the security guard of the colony along with complainant arrived at the spot and quarrel took place. The applicant – accused assaulted the complainant and threatened him of dire consequences. The complainant called the police. The

applicant also quarrelled with the police and therefore obstructed the public servant in discharging duties. Taking advantage of the mob the accused assaulted the complainant and also managed to run away from the place. The names of two persons were disclosed to police by the residents, which are reflected in the FIR. During the course of investigation connivance of the other accused was disclosed. Learned APP submitted that there are criminal antecedents against the applicant nos.1, 3 and 5. Learned Counsel for the applicants submit that they are falsely implicated in this case. They were not present at the scene of offence. The custodial interrogation of the applicants is not necessary. The motorcycle which was used for the commission of crime does not belong to them. Three persons were arrested and they are in custody. It is case of the prosecution that the persons who were arrested were identified by the witnesses and during the course of investigation the arrested accused had disclosed the involvement of the applicant in the crime. In the circumstances, no case for grant of anticipatory bail is made out.

3. Hence the application is rejected.

[PRAKASH D. NAIK, J.]