

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

ANTICIPATORY BAIL APPLICATION NO. 2630 OF 2018

Raju Radhkishan Arke	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Milan Desai I/by Mr. T.R. Patel for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State

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CORAM : PRAKASH D. NAIK, J.
DATE : 20th DECEMBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with CR No. 601 of 2018 registered with Kandivali Police Station for the offence punishable under Sections 307, 324, 504, 506(II) read with 34 of Indian Penal Code.
2. Case of the prosecution the complainants brother resides on the second floor and accused Manoj Tejale is his neighbour. Accused Raju Arke is uncle of Manoj Tejale. The neighbours used to complain against Manoj Tejale as he used to watch television with high volume. However, he was not responding to complainants. On 23rd November, 2018, it was noticed that accused Manoj Tejale was watching television with loud volume.

The daughter of complainants brother informed him that her father had told accused Manoj Tejale to decrease the volume of television and on that count he assaulted her father. Complainant went to the place of incident. It was noticed that Manoj Tejale was armed with Bamboo and applicant was armed with iron rod. They were abusing and assaulting brother of the complainant Dharmendra Walmiki. To save his brother from the assault, the complainant intervened. The applicant gave a blow of iron rod on the head of complainant. At that time, applicant stated that he is dada of area and gave blow of iron rod on head of Dharmesh, Manoj and assaulted by bamboo giving blow on leg of Dharmesh. Statement of Dharmendra Walmike was recorded on 23rd November, 2018. He has attributed aforesaid act to applicant. The applicant also threatened people who were gathered at place of incident.

3. Learned counsel for the applicant submits that there were contradictions in the statement of the witnesses. Applicant has been falsely implicated in this case. The doubt is created in the version of the witnesses in respect of place of incident. Injured has not sustained any serious injury. Applicant is willing to co-operate with the investigation.

4. Learned APP submitted that specific role has been assigned to the applicant. Injured Dharmendra was admitted in hospital for three days and he has sustained head injury. Learned counsel for the applicant urged that the offence under Section 307 of Indian Penal Code will not be attracted. Learned APP further that submitted there are four cases registered against the applicant vide CR No. 134 of 2008, 138 of 2008, 139 of 2008 and CR No. 68 of 2008.

5. The complainant has attributed role to the applicant having assaulted him as well as Dharmendra Walmik by iron rod. According to the prosecution Manoj Tejale and the applicant were involved in assaulting complainant and his brother. There is consistency in the statement of both the witnesses with regards to assault. Investigation is in progress. *Prima-facie* involvement of the applicant is implicit from the statement of the witnesses. There are criminal antecedents against the applicant. In the circumstances, no case is made out for grant of anticipatory bail. Anticipatory Bail Application stands rejected and same disposed off accordingly.

(PRAKASH D. NAIK, J.)