

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

**ANTICIPATORY BAIL APPLICATION NO. 2155 OF 2018**

Dattatraya Mahalu Gaikwad & Anr. ... Applicants

Versus

The State of Maharashtra ... Respondent

Mr. Aniket U. Nikam I/by Vivek N. Arote for Applicants.

Ms. S. S. Kaushik, APP for Respondent – State.

Mr. A. S. Chaudhari, PSI, Karmala Police Station, District Solapur present in Court.

**CORAM : NITIN W. SAMBRE, J.**

**DATE : JANUARY 7, 2019.**

**P.C. :**

. In Crime No. 259 of 2018 punishable under Sections 307, 324, 341, 143, 147, 148, 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, Both the Applicants, who are real brothers, are seeking pre-arrest bail.

2. It is the case of the Applicants that even if what has been stated in the chargesheet is accepted, the nature of injuries suffered by the complainant and the cause of such injury does not warrant Applicants'

custodial interrogation. Both the Applicants claim that political rivalry is the cause of false implication in the crime in question.

3. *Per contra*, the learned APP submits that there are criminal antecedents and has sufficient material to infer the *prima facie* involvement of both the Applicants in the crime in question.

4. Considered rival submissions.

5. Both the Applicants appear to be history sheeter, against whom almost four or more than four offences are pending. Apart from above, both the Applicants are specifically named in the FIR with an appropriate role. So far as the submission of the Applicants as regards the simple injury suffered by the complainant is concerned, same is the matter of evidence which can be looked into at an appropriate stage of the proceedings.

6. In the aforesaid background, and having regard to the fact that the Applicants are not traceable for last almost more than nine months, no case for pre-arrest bail is made out.

7. As such, the present Anticipatory Bail Application fails. Hence rejected.

**(NITIN W. SAMBRE, J.)**