

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 475 OF 2019**

Ajit Eknath Bhagat	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 512 OF 2019
(APPLICATION FOR INTERVENTION)
IN
CRIMINAL BAIL APPLICATION NO. 475 OF 2019**

Nayan Bhagwan Bhagat	...Intervener/Complainant
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IN THE MATTER BETWEEN :

Ajit Eknath Bhagat	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Niranjan Mundargi I/b Mr. Rajiv Deokar for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent-State

None for the Intervener/Complainant in APPP/512/2019

**CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th JUNE 2019**

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-309 of 2018 registered with the Mumbra Police Station, Thane, for the alleged offences punishable under Sections 307, 143, 144, 147, 148, 149, 504, 506(2) of the Indian Penal Code; under Sections 2, 4 and 25 of the Arms Act and under Sections 37(1)(3) and 135 of the Maharashtra Police Act.

3 Perused the papers. The incident is stated to have taken place on 7th June 2018 at about 8:15 p.m. According to the complainant-Nayan Bhagat (injured), on 7th June 2018, he and his friends were proceeding to the office of the applicant to settle a previous quarrel. According to the complainant, at around 8:15 p.m, suddenly the applicant came to the spot shouting loudly, with a sword in his hand. It is alleged that co-accused Nilesh Bhagat-the applicant's brother was armed with a pistol and that he and other 3-4 persons abused and threatened the complainant and his friends. The complainant has specifically stated that the applicant assaulted him with a sword on the left side of his head, as a result of which, he sustained an injury on his left ear. The injury certificate of the complainant is at page 57 of the application.

4 Learned counsel for the applicant submits that it was a single injury caused to the complainant and that all co-accused have been enlarged on bail. Learned counsel also relied on the decision of the Apex Court in ***Bhausahab Nagu Dhavare vs. State of Maharashtra & Anr.***¹.

5 There are eye-witnesses to the incident of assault by the applicant on the complainant. It appears to be a pre-meditated attack on the complainant. The injuries sustained by the complainant are serious. The applicant has one antecedent, which is registered with the Mumbra Police Station, Thane, being C.R. No. I-142 of 2018, for the alleged offence punishable under Sections 342, 324, 143, 147, 148, 149 of the Indian Penal Code. The aforesaid offence has been committed whilst the applicant was on bail. The role of the applicant is different from the role ascribed to the other co-accused, who have been enlarged on bail. The possibility of the applicant tampering with the witnesses, also cannot be ruled out.

6 Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

1 2001 (5) Supreme 448

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8 In view of the above, intervention application being Criminal Application No. 512 of 2019 also stands disposed of.

REVATI MOHITE DERE, J.