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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.411 OF 2019

Sandip Krushna Dhanawade ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Shekhar A.Ingawale for the applicant.

Ms.S.S.Kaushik, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 15, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.363/2018 for offence punishable under sections 307, 324, 323, 504, 506, 143, 144, 145, 147, 148 and 149 of the Indian Penal Code registered with Shahuwadi police station, District Kolhapur, the applicant is seeking pre-arrest bail.

3. The prosecution case is, the applicant's group and the complainant's group have assaulted members of each other, resulting into registration of cross complaints.

4. The submission of learned counsel for the applicant is, role attributed to the applicant is assault by sword to Ananda, who has suffered simple injuries. Submission is also canvassed so as to make out a case of false implication as it is claimed that the applicant was not present on the spot. It is further claimed that there is a presumption that applicant has acted in self defence.

5. Learned APP opposed the claim based on the role attributed to the applicant by the eye witnesses.

6. Having appreciated the submissions, the allegations in F.I.R. against the applicant are supported with the injury certificate of Ananda.

7. The fact remains that in the cross complaint also, it is claimed that members of the applicant's group have suffered grievous injuries. The order of law will take its own course, however, that *ipso facto* will not entitle the applicant for grant of pre-arrest bail when role attributed to the applicant is supported by injury certificate and eye witnesses.

8. That being so, the application fails and is rejected.

(NITIN W. SAMBRE, J.)