

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 480 OF 2019**

Rushikant s/o. Popat Bagul

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Ms. Swapna Kode I/by Zaid Qureshi for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th MARCH, 2019.

P.C.:-

The learned APP submitted that, in pursuance of Orders dated 1st March, 2019 and 14th March, 2019 she has personally verified the C.C.TV footage provided by the learned Advocate for the Applicant, claiming alibi. She submitted that, the said C.C.TV. footage does not disclose the actual assault and discloses the presence of the Applicant and co-accused at some different place.

2 It is the precise case of the Applicant that on the date and time of the incident, the Applicant was not present at the scene of offence and therefore, she had supplied alleged C.C. TV footage of the scene of offence. As noted earlier, the said C.C. TV footage pertaining

to different spot showing the presence of the Applicant with co-accused.

3 The first information report is absolutely clear wherein the victim has stated that, the Applicant had caught hold his hands from behind and the co-accused Sainath assaulted him with knife in his stomach. The record further indicates that, there are three eye witnesses to the present incident. Thus, the complicity of the Applicant in the present crime is apparent.

4 The investigation of the present crime is at a crucial stage *qua* the Applicant. The learned APP submitted that, the Applicant has been involved in five other criminal cases.

5 In view of the above and after taking into consideration the gravity of the offence and the serious allegations against the Applicant, this Court is of the considered view that, the Applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)