

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 945 OF 2019

Mr. Shailesh Devnath Yadav
@ Chintu

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. E.B. Dixit I/by Divakar Rai for the Applicant.
Ms. J.S. Lohokare APP, for the Respondent-State.
Mr. Baban Nikam, ASI, Tulinj Police Station.

CORAM : A. S. GADKARI, J.

DATE : 25th APRIL, 2019.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 337 of 2019 dated 13th March, 2019 registered with Tulinj Police Station, District Palghar Mumbai under Sections 323, 326 and 504 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 On earlier date of hearing, the learned counsel for the Applicant had raised a plea of alibi. The record of investigation was

therefore, called for.

4 The learned APP, on instructions, submitted that, the photographs annexed to the Application claiming alibi by the Applicant are pertaining to some other spot and not of the spot of incident in question. She, on instructions, further submitted that, there are two eye-witnesses to the present crime who have seen the Applicant assaulting the informant with Bamboo Stick. The medical certificate issued by Dr. Sunil Patel corroborates the version of the first informant.

The Applicant is a named accused in the present crime and has been attributed with the roll of assaulting the informant with a bamboo stick on his back. The weapon allegedly used by the Applicant is yet to be recovered by the police. There is sufficient material available on record to show the clear complicity of the Applicant in the present crime.

5 In view thereof, the Applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)