

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

Cri. ANTICIPATORY BAIL APPLICATION NO. 1156 OF 2019

Shri. Prashant Gajanan Mhatre .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr. Gaurav Parkar, Advocate for Applicant.
Mr. J.P. Yagnik, APP for Respondent – State.
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**CORAM : SARANG V. KOTWAL, J
(VACATION COURT)**

DATED : 21st MAY, 2019.

P.C. :

1) The applicant is seeking anticipatory bail in connection with C.R. No. I-70 of 2019 registered at Kamothe Police Station on 30-04-2019 under Section 324, 144, 147, 148, 149 of the Indian Penal Code and under Section 37 (1) C and 135 of the Maharashtra Police Act. During investigation even Section 307 of the Indian Penal Code is added.

2) The first information report is lodged against one Prashant Jadhav. First information report mentions that there was a dispute in the society in respect of mobile tower installed in the society premises. The society had decided to remove the tower. This motion was opposed by Vijay Chiplikar. On the date of incident i.e. 30-04-2019 at about 12:10 a.m. Vijay along with other 9 to 10 people gathered in the society. They assaulted first informant Prashant Jadhav with iron rod, sticks and fists. The allegations against the present applicant is that, he assaulted the first informant with his belt.

3) Heard Mr. Gaurav Parkar, Advocate for the applicant and Mr. J.P. Yagnik, APP for respondent – State. Mr. Parkar submitted that, the first information report does not mention the name of the applicant when he was granted interim protection by the Trial Court, he has produced his belt and therefore custodial interrogation is not necessary. He further submitted that, the applicant is 23 years old and he is recently married.

4) On the other hand, learned APP produced investigation papers. The investigation papers show that, there is an eyewitness to the incident. CCTV footage of the incident is already recovered by the investigating officer. The statement of the eyewitness shows that, he had seen the CCTV footage and has identified the applicant. The eyewitness attributes the role to him of having assaulted the first informant with belt. The injury certificate of the first informant shows that, he has suffered fracture besides other injuries. Specific role is attributed to the applicant by the eyewitness which is corroborated by the injury certificate and the CCTV footage. Looking at the incident and the material collected by the Investigation officer and also taking into consideration that the investigating agency has to conduct identification parade, at this stage the protection of anticipatory bail cannot be granted. Therefore, the application cannot be allowed and is accordingly rejected.

(SARANG V. KOTWAL, J.)