

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1224 OF 2019

Ashwin Baliram Sathe] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Sandeep Bali for Applicant.

Smt. A.A. Takalkar, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 10 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.384/2018 registered with Khadki Police Station u/sec.307, 323, 143, 144, 147, 148 of I.P.C., Section 4 (25) of the Indian Arms Act and Section 37 (1) read with Section 135 of the Maharashtra Police Act.

2. The FIR was lodged by one Prajakta Gaikwad on 09/11/2018 in respect of assault on her brother Buntty @ Yogesh. It is mentioned in the FIR that Yogesh had close friendship with one Sejal. The said

Sejal was cousin of one of the accused Vrushabh Pardeshi. Vrushabh Pardeshi was against the friendship. Vrushabh Pardeshi along with present applicant and others had threatened Yogesh in the past. They had told Yogesh to stay away from Sejal. The FIR mentions that the present applicant is also known as Bilard and in the area the applicant's gang has created terror. The FIR mentions that on 08/11/2018 at about 8.30 p.m. Yogesh was mercilessly beaten. Accused Vrushabh Pardeshi was carrying sword and other accused including present applicant assaulted him with kicks and fist blows. Yogesh fell unconscious on the spot and he was removed to hospital. After that the FIR was lodged on the next morning.

3. The charge-sheet against other accused is already filed. The applicant is shown as absconding accused. The medical certificate annexed to the charge-sheet shows that Yogesh was brought to the hospital in unconscious state. The medical certificate supports the story of the FIR. Nature of assault mentioned in the FIR shows that the injured was mercilessly beaten to such an extent that he fell unconscious on the spot. The offence of Section 307 of I.P.C. is made out. The allegations are serious. The applicant was absconding for

many months. Therefore, he does not deserve the relief of anticipatory bail. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)