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

ANTICIPATORY BAIL APPLICATION NO.1412 OF 2019

Harish Nandlal Verma	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.R.Pille, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

Mr. Bharat V.Bheti, for the Original Complainant.

API – M.P.Sonwane, Shivaji Nagar Police Station, Thane, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JULY, 2019

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.I-291 of 2017 registered with the Shivaji Nagar Police Station, Thane, for the alleged offences punishable under Sections 307, 506, 143, 147, 148 and 149 of the Indian Penal Code.

3. Perused the papers. According to the complainant – Akhilesh Dube, the incident took place on 2nd November, 2017 at 9.00 a.m, when he was proceeding to give breakfast to one Pandey Maharaj in Shrikrishna Mandir. He has alleged that when he reached the Shrikrishna Mandir, Dattu Patil's elder son came there along with Takdir Prakash Patil, Bala Prakash Patil, Prakash Patil, Dattu Patil, Govind Mourya and Harish Verma (applicant). He has alleged that the said persons were armed with iron rod. According to the complainant, Datta's elder son told him not to come to the Mandir or otherwise he will kill him. It is alleged that all the accused assaulted the complainant with iron rods on both his hands and legs.

4. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case. He submitted that the complainant is a habit of filing false case as against the applicant and several others. He submitted that infact a false rape case was also lodged as against the applicant, at the behest of the complainant in the present C.R. and that the complainant in that case i.e. the prosecutrix had specifically given a statement to the police to that effect.

5. Be that as it may, the fact remains that in the incident that took place on 2nd November, 2017, the complainant sustained five grievous injuries i.e. 5 fractures of right distal and proximal forearm, left elbow, left wrist, right tibia, right knee and left tibia. The applicant's name has been mentioned in the FIR, which was lodged soon after the incident. The applicant has 7 antecedents, which are of similar nature.

6. Considering the material *qua* the applicant, this is not a fit case to grant pre-arrest bail to the applicant. Accordingly, the Application for pre-arrest bail is rejected and disposed of as such.

7. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.