

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

ANTICIPATORY BAIL APPLICATION NO.1431 OF 2019

Prasad Rameshwar Rangeele

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Vivek Babar I/b. M. K. Kocharekar, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. Ramchandra Ghadge, PI, Kalamboli, Navi Mumbai Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 8th JULY, 2019

P.C. :

1. The applicant is apprehending his arrest in connection with C.R. No.186/2018 registered with Kalamboli Police Station under Section 307 r/w. 34 of IPC.

2. The FIR is lodged by one Sandeep Khanavkar. He has stated in his FIR that he was working as Supervisor of labourers. He was in charge of workers working in Panvel Municipal Corporation. Those labourers were removing the garbage. It is

the case of the prosecution that the main accused Ajay Gupta was working in Captain Hotel which was owned by one Sukumar Shetty. The hotel employees were not segregating wet garbage and dry garbage. Therefore, the workers refused to take away the garbage. The first informant being their supervisor requested the hotel owner to segregate the garbage to avoid any injuries to his workers. However, the hotel owner and his employees Ajay Gupta had threatened the first informant. On 16/10/2018, at around 10.40 a.m. the first informant was assaulted with a sharp weapon on his back. The assailants had come on a motorcycle bearing No.MH46-AQ-1192. Because of this assault, the FIR was lodged.

3. Heard Mr. Babar, Ld. Counsel for the applicant and Mr. Jadhav, Ld. APP for the State.

4. I have perused the injury certificate. The injury certificate shows that informant had suffered injury on his back having dimension of 25 cm x 2 cm x 1 cm. Hence the injury was

not a minor injury.

5. During investigation, Ajay Gupta was arrested and he informed that he had hired the present applicant to commit the assault. The applicant alongwith his co-accused had actually committed the assault. Both of them came on a motorcycle. The motorcycle was belonging to one Ashish. The motorcycle was given to the present applicant at the instance of Ajay Gupta which was used in commission of offence.

6. Shri. Babar submitted that there was no material to connect the present applicant with the crime. He submitted that the informant could not be in a position to see who had assaulted him on his back. He submitted that the present applicant had no enmity with the first informant.

7. The investigation further reveals that the applicant was hired by Ajay Gupta and Sukumar Shetty to teach a lesson to first informant. The motorcycle used in the commission of offence is

also connected to the present applicant as it was given to him at the instance of Ajay Gupta. At this stage, there is sufficient material against the present applicant to connect him with the crime. The custodial interrogation of the present applicant is necessary. The test identification parade is to be conducted. For all these reasons, the custody of the applicant is necessary. Hence, there is no merit in the application. The application is rejected.

(SARANG V. KOTWAL, J.)