

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1626 OF 2019**

Salam Shakeel Siddiqui

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Nagma N. Ansari for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 24th 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-74 of 2019 registered with the Bhiwandi Taluka Police Station, Thane, for the alleged offences punishable under Sections 307, 324, 147, 148, 149, 323 of the Indian Penal Code.

3 Perused the papers. The incident in question has taken place on 18th February 2019 at about 5:45 p.m. It is alleged by the complainant-

Sanket Vallal that when he and his friend Viniket More were going to Sai Baba Dhaba on a motorcycle, they stopped on the way, as his friend Viniket wanted to answer the nature's call. It is alleged that when Viniket went to answer the nature's call, some dispute arose between him and 3-4 persons. It is alleged by the complainant that 3-4 persons assaulted Viniket with a wooden rod on his head and some of them assaulted him with an iron rod on his head.

4 It appears that two persons were arrested and have been released on bail. As far as the applicant is concerned, he too is alleged to have assaulted the complainant and his friend. The injuries sustained by Viniket are on the head, knee, foot and nose. The injury on the head is stated to be grievous. It appears that Viniket sustained fracture of his right occipital bone, extending upto foramen magnum. The doctors also noted accute epidural hematoma over right inferior cerebellar region and subgaleal hematoma in right occipital region. As far as the complainant is concerned, he too has sustained injuries. The applicant has one antecedent of the year 2015 for the alleged offences punishable under Sections 324, 504 and 506 of the Indian Penal Code. The other two co-accused have

been identified by the complainant. There is CCTV footage, which shows the presence of the applicant on the spot and the applicant assaulting the complainant and his friend. The said CCTV footage is retrieved from the Beer Shop owner, who is also an eye-witness to the incident of assault.

5 Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant. The application is accordingly rejected.

6 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application and if an application for regular bail is filed, the learned Judge to decide the said application on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.