

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

CRIMINAL BAIL APPLICATION NO.3204 OF 2018

Bonya @ Niranjan G. Modhale	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Vinod Kashid, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent – State.

Mr.V.V. Devkate, API, Bhandup Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 17, 2019.

P.C. :

This is an application for bail in connection with C.R.No.183 of 2018, registered with Bhandup Police Station, Mumbai, for the offences punishable under Sections 307, 506(2), 155 read with 34 of Indian Penal Code (“IPC”, for short).

2 The case of the prosecution is that on 10th May, 2018, police received information that one person is assaulted by unknown person by sharp weapons and is lying in an injured condition. Accordingly, police went there and met injured, namely Dinesh @ Babu Jaiswal. Statement of complainant was recorded.

It is alleged that injured Dinesh was walking on the road at Sai Vihar Lane, Tembhi Pada, Bhandup (West), Mumbai, the applicant and others assaulted him. The injured shouted for help. Accused threatened the members of the public who had gathered at the place of incident. Statement of injured was recorded on 11th May, 2018.

3 Injured has stated that the applicant and others had assaulted him. The co-accused Gotiya alias Ankush Pawar gave a blow above his eye. Applicant and the co-accused assaulted him by weapons on hand and abdomen. Injured was admitted in the hospital.

4 I have perused the injury report of the injured person. He had sustained about 13 injuries. Amongst the said injures, two injuries were grievous in nature. Specific role has been attributed to the applicant.

5 Learned counsel for the applicant submitted that there are contradictions in the statements of the witnesses. There are several infirmities in the prosecution case. Most of the injuries are simple in nature. Applicant has been falsely

implicated in this case. Learned APP submitted that the injured was mercilessly assaulted by the applicant and the co-accused. Specific role has been attributed to the applicant. Applicant was armed with a weapon. It is further submitted that there are criminal antecedents against the applicant and four cases are registered against him vide C.R.Nos.143 of 2016, 139 of 2016, 311 of 2016 and 430 of 2017. It is submitted that chapter case proceedings were also initiated against him under Section 110 of the Code of Criminal Procedure. It is further submitted that on account of terror of the applicant, people from the area were frightened, as accused has threatened them.

6 I have perused the documents on record. Specific overtact has been attributed to the applicant. Injured had been assaulted mercilessly, and, he has received about 13 injuries. As pointed out by the learned APP, there are criminal antecedents against the applicant. Considering the role attributed to the applicant, I do not find that the applicant had made out case for grant of bail. In the circumstances, Criminal Application stands rejected and disposed of.

(PRAKASH D. NAIK, J.)