

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.675/2019

Arvi @ Vaibhav s/o Omprakash Rathod

..VS..

The State of Maharashtra, through PSO PS Wadi, District Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri M.S.Dube, Counsel for the Applicant.
Shri S.M.Ghodeswar, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : OCTOBER 16, 2019.

1. Heard learned counsel Shri M.S.Dube for the applicant and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State. Also, perused a detailed reply filed on behalf of the prosecution to oppose the bail application.

2. As per the prosecution case, crime in which the present applicant is apprehending his arrest was registered on the basis of report lodged by Ankit Bhaskarrao Gaikwad, the owner of "Kairoj Hotel", situated at Nagpur-Amravati National Highway. As per the prosecution, on 19.8.2019, at around 8:30 pm, when complainant Ankit was present in his hotel, at around 10:30 pm, 6 boys and 3 girls came for dinner in a Four Wheeler having "Duster" bearing registration No.MH-49/U/9881. At about 12:10 in the midnight, when complainant Ankit was about to close down his hotel, he sent his Waiter along with a Bill towards the

said group, however the said group picked up verbal quarrel and, therefore, Ankit went to pacify the said group. At that time, he was abused and assaulted by wooden sticks on his head and other accused assaulted him by knife. Another accused, who was wearing black shirt, tried to assault by giving electric shock. He was also assaulted by fists and kicks blows. Thereafter, the said group ran away from the spot along with their vehicle. Before running away from the spot, members of the said group ransacked the entire hotel and destroyed computers etc..

3. Learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State, tendered investigation papers for my perusal containing injury report.

4. Perusal of the injury report, shows that about 7 injuries are suffered by complainant Ankit.

5. As per the prosecution case, CCTV Footage from the hotel is retrieved by investigating agency and the said has been stored in a Pen-Drive and a certificate under Section 65-B of the Indian Evidence Act, 1872 is also obtained.

6. Reply on affidavit shows that in the said CCTV Footage the present applicant is seen to be assaulting Ankit, the complainant, by means of knife. The reply also shows that co-accused persons Kailash Wagh, Avinash, Osama, Bhavesh Hande are arrested and they are behind bars, however the weapon is yet to be recovered. Similarly, other accused persons Akshay Khadgi, Bhavesh Hande, and

Shubham are absconding along with 3 ladies accused.

7. Along with the reply, learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State, filed a Crime Chart of the present applicant. The said chart shows that the applicant is having inclination to commit offences.

8. In this view of the matter and since the weapon is to be recovered, this is not a case wherein this Court should exercise its discretion in favour of such person who ransacked the entire hotel along with his companions.

9. In view of the aforesaid, the criminal application for grant of anticipatory bail stands rejected and disposed of accordingly.

JUDGE

!! BRW !!

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