

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 282 OF 2020

Abhay Devendra Bhanushali	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Ms. Sneha G. Sanap, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 7th February, 2020

PC :

1. This is an application for anticipatory bail in connection with C.R. No. I-338 of 2019 registered with Kasarvadavali Police Station, Thane West for offences punishable under Sections 326, 324, 427, 323, 143, 145, 147, 148, 149 of Indian Penal Code. The FIR was lodged on 25th December, 2019.
2. The case of the prosecution is that, in the hotel of the informant, the customer Vicky and his friend there. It is alleged that on 25th February, 2019 at about 5.00 a.m. the accused formed unlawful assembly and assaulting customer of complainants hotel, namely Vicky Thakker. Punit assaulted injured by iron road. Damji Bhanushali was armed with iron road. Damji and Punit assaulted complainant by fist blows and iron road. Vicky Thakker was assaulted by fist blows. 10 to 15 others came armed with wooden log, Hockey stick and iron road. Vicky Thakker sustained injury to

hand. Damage was caused to vehicle. The applicant has preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 28th January, 2020.

3. Learned counsel for the applicant submitted that the applicant has not been named in the FIR. He has been falsely implicated subsequently. Co-accused granted bail. Custodial interrogation of the applicant is not necessary. Nothing incriminating has to be recovered from applicant.

4. Learned APP submitted that the medical evidence supports the prosecution case. The injured sustained grievous injury. Statement of eye witnesses attributed specific overt act of assault to the applicant.

5. I have perused the FIR and the investigation papers. The statement of the witnesses recorded immediately after the incident attributes overt act to the applicant as one of the persons was armed with weapon and assaulted the injured person. Medical certificate also refers to grievous injury sustained by one of the injured and simple injury by the other person. In the light of material on record, no case for grant of anticipatory bail is made out.

6. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 282 of 2019 stands rejected and disposed of accordingly

(PRAKASH D. NAIK, J.)