

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.380 OF 2020

Tulshiram Chindha Baste and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Dushyant S. Pagare for applicant.
Mr.S.H.Yadav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th February 2020

PC :

1. This is an application for anticipatory bail in CR No.I-67 of 2017 registered under Sections 307, 324, 436, 134, 147, 148, 323 and 427 of Indian Penal Code. The FIR was lodged on 22nd April 2017.

2. Both the applicants preferred application for anticipatory bail before the Sessions Court, which was rejected on 11th June 2019. The applicant no.2 preferred second application for anticipatory bail before the Sessions Court, which was rejected on 23rd August 2019.

3. The case of prosecution is that on 22nd April 2017 the accused along with others had started procession in respect of liquor shop. On the next day the complainant learnt that the accused are trying to set his shop on fire. The accused rushed towards the informant with intention to kill him. He was assaulted by fist and kick blows. The applicants are named in the FIR. Both the applicants had allegedly assaulted the complainant.

4. Learned counsel for applicants submitted that the applicants are falsely implicated in this case. The statement of witnesses recorded during investigation do not refer to the presence of applicants at the place of incident. The other accused were arrested and granted bail without subjecting them to police custody. The applicants are willing to co-operate with investigation.

5. Learned APP submitted that there are eye witnesses to the incident. Role has been assigned to both the applicants. The shop of the complainant was set on fire. He was assaulted by applicants.

6. The FIR in this case was registered on 22nd April 2017. Apparently the applicants were not available for long time for the purpose of investigation. The applicants, however, contends that they were residing in village. However, after rejection of anticipatory bail applications by the Sessions Court, present application has been preferred belatedly. Apart from that, the complainant has named the applicants in the FIR. Role has been assigned to the applicants. There are other witnesses implicating the applicants. The submission of learned advocate for applicants, therefore, cannot be accepted. No case for grant of anticipatory bail is made out. Criminal Anticipatory Bail Application No.380 of 2020 is rejected.

(PRAKASH D. NAIK, J.)

MST