

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.385 OF 2020

1. Nilesh Suresh Dhayarkar,
2. Ajit Suresh Dhayarkar,
3. Ashitosh Baban Dhayarkar

Applicants

versus

The State of Maharashtra

Respondent

Mr.Piyush Toshnival with Sourabh Dongare i/by Harshal S. Patil for applicants.

Mr.S.H.Yadav, APP, for State.

Mr.Ravindra S. Pachundkar for complainant.

Mr.R.P.Mli, PSI and IO, Shikrapur Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th February 2020

PC :

1. This is an application for anticipatory bail in CR No.4 of 2020 registered with Shikrapur Police Station, District Pune, for offences under Sections 307, 326, 327, 354, 452, 323, 504, 506 r/w 34 of Indian Penal Code.

2. The case of prosecution is that the complainant has alleged that accused in furtherance of common intention came to the house of complainant on the pretext of previous quarrel and started abusing her daughter-in-law Manisha Bhujbal and Dharma Bhujbal and threatened them. The accused also assaulted the daughter-in-law and pulled her sari, held her upper arm and scuffled with her. When the complainant and her husband intervened, the accused assaulted the complainant and her husband by fist and kick blows

and stone. They assaulted Dharma Bhujbal on face, head and caused serious injuries. The accused also snatched Mangalsutra from the person of Manisha Bhujbal. On the basis of these allegations the FIR was registered.

3. The applicant had preferred application for anticipatory bail before Sessions Court, which has been rejected by order dated 30th January 2020.

4. Learned counsel for applicant submitted that custodial interrogation of applicants is not necessary. The applicant has been falsely implicated in this case. There are no corresponding entries in respect to the version of complainant and other witnesses. The injury certificate relied upon by the prosecution is obtained from private hospital. The applicants were granted interim protection by Sessions Court and they have co-operated with investigation. The offence u/s 307 of IPC is not made out. The applicants are willing to co-operate with the investigation.

5. Learned APP submitted that specific role has been attributed to the applicants. The injured was assaulted with stone. The accused had visited the house of complainant and assaulted the complainant and other person.

6. Learned counsel for intervenor reiterated the submissions of learned APP. He has tendered affidavit-in-reply opposing the application for grant of anticipatory bail. It is pointed out that injured had sustained serious injuries.

7. I have perused the FIR. Specific overt act has been attributed to the applicants. The applicants had assaulted the husband of complainant as well as her daughter-in-law . The accused made inquiry about the son of complainant who was not at home. The accused assaulted Manisha Bhujbal by fist and kick blows. They also assaulted Dharma Bhujbal by fist and kick blow and by stone. There is sufficient evidence to show the complicity of applicant in the crime. The submissions advanced by learned advocate for applicants cannot be considered at this stage. There is sufficient evidence against applicants. No case is made out for grant of anticipatory bail. Hence, Criminal Anticipatory Bail Application No.385 of 2020 is rejected.

(PRAKASH D. NAIK, J.)

MST