

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 404 OF 2020

Mangesh Trambak Rathad (Rahatad) ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Raju D. Suryawanshi, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th February, 2020

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 746 of 2019 registered with Nashik Road Police Station, Dist. Nashik for offences punishable under Sections 307, 341, 323, 504, 506, 141, 143 of Indian Penal Code.

2. The prosecution case is that on 4th December, 2019 while the complainant was walking through Model Colony, Nashik, accused Abhijit Shejwal, Chhotu Unhavne and 4 to 5 friends came on motorcycle. He confronted the complainant. He was assaulted by Abhijit Shejwal, Chhotu Unhavne by knife and chopper on his chest and stomach as well as on the back and attempted to kill him. All the accused have threatened the persons who were present at the scene of offence that they should not disclose their names to the police.

3. Investigation proceeded. Some of the accused were arrested. They were remanded to custody.

4. Applicant has preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 7th February, 2020.

5. Learned Counsel for the applicant submitted that the applicant has not been named in the FIR. Specific overt act of assault has been attributed to the accused who are named in the First Information Report (for short 'FIR'). The name of the applicant was disclosed for the first time in the second remand application. Assuming that his name is disclosed, he has not played any role in the crime. At the most he was present at the scene of offence with his on motorcycle. It is further submitted that the C.C.T.V. footage exonerates him. It does not show that he has participated in the crime.

6. Learned APP submitted that the offence is of serious nature. The victim had sustained four incised injuries which are of grievous nature. The applicant was part of unlawful assembly. The unknown person other than whose name in the FIR were attributed role of threatening to members of public not to disclose their names to the police. He further submitted that no information was provided by injured to the family members. On account of fear the witnesses have

not come forward to depose against the applicant. During the course of investigation and after the arrest of the co-accused, the complicity of the applicant has been disclosed.

7. I have perused the FIR. Injury Certificate and the order passed by the Sessions Court. In the FIR it is mentioned that the complainant was stopped by the accused. All of them were together. Two of them were armed with weapons. The complainant was assaulted by two persons who are named in the FIR. Other persons had threatened members of the public. During the course of investigation, the complicity of the applicant has been disclosed. At this stage the contention of the applicant cannot be accepted. No case for grant of anticipatory bail is made out.

8. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 404 of 2020
stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)