

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.431 OF 2021**

Rahul Kishor Chauhan .. Applicant
Vs.
The State Of Maharashtra .. Respondent

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Mr. Rajendra B. Mokashi, Advocate for Applicant.
Mrs. M. R. Tidke, A.P.P. for the State-Respondent.
API M.V. Chaudhari Ulhasnagar Police Station is present.

Arjun
M.
Kadam

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**CORAM : PRAKASH D. NAIK, J.
DATE : 26th FEBRUARY, 2021**

PC.

1. This is an application for anticipatory bail in connection with C.R. No. I-454 of 2020 registered with Ulhasnagar Police Station for offence punishable under Sections 326, 324, 323, 504 & 506 read with Section 34 of the Indian Penal Code (for short "IPC").

2. The First Information Report (for short "FIR") was lodged by Raisaheb Ramsagar Yadav on 21st December 2020. It is alleged that on 20th December 2020 complainant was parking his auto rickshaw in the lane in front of his house. At that time the auto rickshaw touched Ashish Chauhan, who was talking on phone. The complainant was threatened by him. There was a quarrel. While leaving from the place, the complainant advised Ashish Chauhan and Mohan Yadav not to fight. At

that time the applicant came at the spot with weapon and assaulted the complainant on his head. The complainant's brother Lalsaheb Yadav intervened. However, he was assaulted by the applicant on his abdomen. At that time Ashish Chauhan, Ramanawal Chauhan, Sajan Tak also assaulted Shiv Mohan Yadav on his hand and abdomen by means of iron rod and knife. In the past, there was quarrel between the applicant and the complainant and FIR was lodged against the complainant.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. Cross FIR was registered on 21st December 2020 at the instance of Sunil L. Chauhan for offence under Sections 326, 324, 323, 504, 506 of IPC. In the said FIR Lalsaheb Yadav, Raisaheb Yadav, Jitendra Yadav, C. Mohan Yadav were accused. Applicant's involvement was not reflected. It is submitted that, applicant was not present at the scene of offence. He was 3 km. away from the place of incident at the time of incident. He relied on CCTV footage.

4. Learned APP submitted that there are statements of eye witnesses which attribute specific role to the applicant. The version of

said witnesses cannot be disputed at this stage. The applicant was armed with weapon. He assaulted three persons. The said fact is fortified by the grievous injuries sustained by the injured persons, namely Lalsaheb, Raisaheb and Jitendra Yadav. Although, there are cross cases, specific role has been attributed to the applicant. There are eye witnesses to the incident. The applicant is involved in assaulting three persons. Plea of alibi can be considered during the trial. Considering the nature of evidence and material on record against the applicant, no case for grant of anticipatory bail is made out.

5. Anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)