

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 1361 OF 2021

Avinash Tukaram Desale .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Shantanu Rajendra Phanse for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent-State.
Mr. P. R. Renose, PSI, Ganeshpuri Police Station present.

CORAM : PRAKASH D. NAIK, J.
DATE : 11th JUNE, 2021.

P. C. :

1. This is an application for anticipatory bail in C. R. No. 69 of 2021 registered with Ganeshpuri Police Station, Thane for the offence under Sections 307, 326, 143, 147, 149, 504, 506, 188, 270, 427 of the Indian Penal Code and Sections 37(1)©, 135 of the Maharashtra Police Act and Section 3 of the Pandemic Act.
2. The case of the prosecution is that the applicant and other accused had quarrel with the complainant and others, since they were playing loud music and on account of that the accused had assaulted the complainant and others by using iron rod, hockey sticks and bamboo sticks.
3. The contention of the applicant is that there is cross case registered at the instance of the applicant. The applicant had also received injuries. He relied upon certificates issued by private hospital. It is submitted that the custodial interrogation of the applicant is not necessary.
4. Learned APP submitted that the applicant and the other accused were aggressors. Learned APP pointed out the photographs in respect of injuries sustained by the injured persons in the present FIR. The applicant has been named in the FIR. It is also submitted that the

Investigating Officer has also collected injury certificate of the applicant which is contradictory to the certificate relied upon by the applicant in his application. One more case under Section 307 of the IPC is registered with the same police station against the applicant.

5. Although both the sides have registered FIR against each others, considering the nature of offence, role of accused, nature of injuries and factual aspects of the case, no case for grant of anticipatory bail is made out. Hence, application stands rejected.

[PRAKASH D NAIK, J.]