

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

ANTICIPATORY BAIL APPLICATION NO.1751 OF 2021

Hitesh Laxmikant Pandey Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr.Rajkumar N. Bhawsar, Advocate for Applicant.
- Smt. Anamika Malhotra, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 29th JULY, 2021
(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.604/2021 registered with Waliv Police Station, on 28/06/2021, under sections 143, 147, 149, 324, 364-A of the Indian Penal Code.
2. Heard Mr.Rajkumar N. Bhawsar, learned counsel for the Applicant and Smt. Anamika Malhotra, learned APP for the State.

3. The FIR is lodged by the injured Devashi Vijay Panigraphi on 27/06/2021. He has stated that he was working in Jectech company as a security guard. The informant was paid his salary by M/s. Ganga Security Service. Since past two months, he was not paid his dues. The informant was requesting the owner of the security agency to give his salary. On 24/06/2021, the informant did not attend his duties, because his salary was not paid. At that time, the present Applicant, who was the area manager of Ganga Security Service called him telephonically and asked him his whereabouts. At about 07.00 p.m. the informant was forcibly put in a Scorpio car by the Applicant and four others. It is mentioned in the FIR that the Applicant assaulted the informant with iron rod. Avinash and Nilkamal assaulted him with wooden sticks. Then he was taken to service office of Ganga Security Service at Madhuban. There Gangacharan Pandey, who was the owner; assaulted him with kicks and fist blows. Here again the Applicant and others assaulted him with wooden sticks and then he was dropped at

Evershine Gate. On 25/06/2021, he went to a Government Hospital, but he was advised to get admitted at Sir D.M. Petit Hospital, Vasai. On 26/06/2021 he went to that hospital. He took some treatment. But on 27/06/2021 his health got deteriorated and therefore his friend admitted him in a private hospital at Tungarphata. On this basis, FIR is lodged.

4. Learned counsel for the Applicant submitted that the incident could not have taken place inside the car where there were five other persons. He submitted that the incident had occurred allegedly on 24/06/2021, but the injury certificate of the private hospital mentions that the incident had taken place on 25/06/2021 at 06.30 p.m. He further submitted that the injuries are not serious and they are not grievous injuries.

5. Learned APP opposed this application. She submitted that there is an eyewitness to that incident, who has stated that on 24/06/2021 in the evening this incident of beating had taken place in front of his hotel. The victim was trying to escape, but

he was caught again and again and was assaulted repeatedly. He was forcibly made to sit in that Scorpio vehicle. The CCTV footage had captured this incident and CCTV footage was seized by the police through investigation. Learned APP therefore submitted that there is sufficient evidence against the present Applicant showing his complicity.

6. Learned APP relied on the injury certificate issued by Vivaan Hospital on 29/06/2021. The injury certificate shows that the victim had suffered 12 injuries in nature of blunt trauma, bruises and swelling. They are described as grievous injuries. She submitted that subsequently section 326 of IPC is also added.

7. I have considered these submissions. The incident is captured on CCTV footage as stated by the hotel owner. This witness himself was an eyewitness to the assault committed on the victim. The assault was brutal. 5 to 6 persons had assaulted victim brutally with weapon. The injuries are described as

grievous injuries in the medical certificate. The victim was helpless and the Applicant and others were having weapons. The incident is serious. In view of this, the Applicant does not deserve protection of anticipatory bail.

8. Hence, the following order :

ORDER

The application is rejected.

(SARANG V. KOTWAL, J.)