

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

Nisha
S.
Chitnis

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CRIMINAL BAIL APPLICATION NO. 2850 OF 2019

Anil Gangaram Gore
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Sunil S. Kamble h/f Mr. Nitesh J. Mohite, Advocate for the Applicant.
Mr. S.V. Gavand, APP for State-Respondent.

**CORAM : REVATI MOHITE DERE, J.
DATE : FRIDAY, 15th JANUARY 2021**

P.C. :

1. Heard learned counsel for the parties.
2. By this application the applicant seeks his enlargement on bail in connection with CR No.I-342/17 registered with Kalyan Police Station, Dist. Thane, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, sections 4 and 25 of the Indian Arms Act and Sections 37(1), and 135 of the Maharashtra Police Act.
3. Learned counsel for the applicant submits that the applicant has been

falsely implicated in the said case because of the prior disputes between the parties. He submits that the applicant is in custody since September 2018 and till date charge has not been framed in the said case.

4. Learned APP vehemently opposed the application. He submits that the applicant has assaulted the complainant-Ajay Bhalerao as well as Ravi Sharma with a sword. He submits that the statements of these witnesses are corroborated by their injury certificates. He further submits that the applicant has nine antecedents and that the present offence was committed whilst the applicant was on bail.

5. Perused the papers. According to the prosecution, the incident took place on 8th September 2018. It is alleged that the applicant alongwith other co-accused was involved in the theft of vehicles/petrol, etc. It is also alleged that the applicant would threaten people in the vicinity by showing deadly weapons and that if any person complained about any theft in the area/vicinity, the applicant alongwith other co-accused would create terror in the area. According to the prosecution, one month prior to the incident there was a theft of a two wheeler vehicle of one Vinayak Gaikwad i.e. complainant's friend and that despite searching for the said vehicle, the same could not be traced. It is further alleged that on 2nd September 2018,

one Hirman Pawar, resident of the same area, had seen the applicant alongwith other co-accused removing petrol from the motorcycle. It is alleged that on 4th September 2018, the applicant threatened the complainant-Ajay Bhalerao and his friends Vinayak Gaikwad and Ravi Sharma as well as threatened the daughter-in-law of Hiranman Pawar and on 6th September 2018, the applicant abused the complainant-Ajay Bhalerao in filthy language and also physically pushed him. It is further alleged that on 7th September 2018, when the complainant-Ajay Bhalerao and his friend Ravi Sharma were walking, the applicant came running from behind and abused the complainant and assaulted him as well as Ravi Sharma. Pursuant to the said assault, Ajay Bhalerao as well as his friend Ravi Sharma sustained injuries. The injury certificate of Ravi Sharma reveals that he has sustained five injuries; two grievous and three simple. Similarly, the complainant-Ajay Bhalerao has also sustained one grievous injury from a sharp edged weapon. The aforesaid incident has taken place in broad day light and has taken place when the applicant was on bail in other cases. There are nine offences registered as against the applicant with different police stations i.e., two cases with Kalyan Taluka Police Station; three cases with Madhyavarti Police Station; and four cases with the Ulhasnagar Police Station. Most of the offences are under Sections 354, 380 and 457 of the Indian Penal code as well as under Section 324. The possibility of the

applicant again committing an offence cannot be ruled out. The possibility of the applicant tampering with the witnesses / intimidating them also cannot be ruled out.

6. Considering the aforesaid, the applicant is not entitled to be released on bail. Accordingly, application is rejected.

7. Learned trial judge to conduct the case on its own merits uninfluenced by the observations made in this order.

8. All concerned to act on the digitally signed by the Personal Assistant/ Private Secretary of this order.

REVATI MOHITE DERE, J.