

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1188 OF 2022

Shubham Pramod Kasvekar	..Applicant
v/s.	
The State of Maharashtra	..Respondent.

Mr. G. S. Jadhav, for the Applicant.
Mr. P. H. Gaikwad, APP for the Respondent-State.

CORAM: VINAY JOSHI, J.
DATED : 29th APRIL, 2022.

P. C.:

1. In anticipation of arrest in Crime No.0132/2022 registered with Yerwada Police Station, for the offence punishable under Sections 307, 427, 504 r/w.34 of Indian Penal Code, Sections 4, 25 of Arms Act, the applicant is seeking pre-arrest bail.

2. At the instance of report lodged by one Sonu Shinde crime was registered. The informant stated that his friend Rohan had some dispute with co-accused Shahabaj. They had quarrel in which the informant intervened and saved his friend Rohan. It is prosecution case that due to said grudge 30.03.2021, the applicant and other three co-accused including Shahabag came to the Housing

Complex of informant. All of them were armed with deadly weapons. They created terror by causing damage to several vehicles i.e. one Car, two Auto rickshaws and 5 two wheelers. Thereafter, co-accused Shahabaj assault informant by means of sickle, however, the informant avoided a blow and therefore the report.

3. Learned counsel for the applicant, while seeking pre-arrest protection, submitted that no one was injured in concerned incident. It is his submission that the allegation of assault by means of weapon was against co-accused Shahabaj. Having regard to the said facts, the applicant claimed pre-arrest protection. The State resisted bail by tendering investigation papers. It is pointed out that the applicant has participated in the crime, he was armed with deadly weapon as well as there are criminal antecedents.

4. Perusal of investigation paper discloses that the applicant's role was defined as he went with other three co-accused to the Housing Complex. All of them by means of weapon had damaged several vehicles. Apparently, they have created a terror in the vicinity, i.e.

in residential complex. The Panchanama discloses that indiscriminately the applicant and associates have had damaged several vehicles. Several offences of grave nature were registered against to applicant in past. Pertinent to note that the applicant was involved in the offence of murder in the year 2022 for which Crime No. I-132 of 2022 registered in which he is on bail. Besides that two offences bearing crime No. 3417 and 64/16 were registered against him. The learned APP has pointed out that during meantime, the informant was threatened by some unknown person for withdrawal of report, for which NC No 954/2022 has been registered.

5. Considering the nature of allegations, it is necessary to weigh antecedents. The offence was of indiscriminately damaging the property and creating terror. Already offence of homicidal death that too in the year 2022 was registered in which the applicant is on bail.

6. Though, NC was registered against unknown person, but it is evident that efforts were being made to terrorize the informant for withdrawal of report. All co-accused are

already arrested. The police wanted to seize the weapon and make necessary investigation in the matter. In view of that, possibility of tempering loudly surfaces. Hence, the applicant does not deserves for Pre-arrest protection. In view of that, application stands rejected.

(VINAY JOSHI, J.)