

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VAISHALI
ANIL
TIKAM

ANTICIPATORY BAIL APPLICATION No. 1445 OF 2022

Vaibhav Subhash Salunke

...Applicant

Vs.

The State of Maharashtra

...Respondent

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Mr. Kishor Ajetrao for Applicant

Mr. A.Patil, APP for State/Respondent

Coram : Sandeep K. Shinde, J.

Dated: 6th JUNE, 2022.

P.C. :

1. Heard learned counsel for the Applicant and the learned APP for the State.

2. Applicant seeks pre-arrest bail in connection with Crime No. 157/2022 dated 17th April, 2022 registered at Sanghavi Police Station, Pune for the offences under Sections 307, 326, 323, 504, 143, 144, 147, 148, 149, 427 of the Indian Penal Code, Sections 25, 27 r/w. 4 of the Arms Act. Primary Evaluation of the First Information Report conveys that the Applicant a member of unlawful assembly, in prosecution of common object,

allegedly assaulted Raj Patil and Kishor Kate by weapon like sickle. A Medicolegal certificate shows that Raj Patil had suffered incised wound, on occipital bone, caused by sharp weapon. The First Information Report, attributes a specific role to the applicant, to state that he inflicted blows of sickle on the injured person. Statements of the eye witnesses corroborates this fact. In that view of the matter, I have no reason to disbelieve the complainant and the witnesses. As against the available evidence, learned counsel appearing for the Applicant contends that at the material time of assault, applicant was watching film in a theater. In support of this submission, he would rely on the CCTv footage, supported by certificate under by Section 65-B of the Evidence Act, 1872. Submission is that the Applicant has been falsely implicated since he was not present at the spot of incident.

3. Having considered the rival submission, I inquired with the learned APP about the distance between the theater, where the Applicant was watching movie and the place of incident. On instructions, he submits that walking a distance that, might take fifteen minutes. In consideration of the facts of the case, plea of alibi, taken by the Applicant, cannot be gone into at this stage.

In fact, prima facie evidence discloses complicity of the applicant in the crime, which is grievous in nature. Besides, the Applicant has criminal antecedent inasmuch as he was an accused in Sessions Case No. 388/2014, though he has been acquitted therein. Thus, in my view, no case is made out for granting pre-arrest protection to the Applicant. Application is rejected.

(Sandeep K. Shinde, J.)