

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) No.131 of 2022

Vijay s/o Kisan Bathe,

Versus

State of Maharashtra, through P.S.O., Police Station Jalamb, District Buldana.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.B. Gandhe, Advocate for applicant

Shri S.D. Sirpurkar, A.P.P. for non-applicant/State

CORAM : ANIL S. KILOR, J.

DATED : 09 MARCH 2022

The allegations in this case against the applicant are that at the instance of the applicant, three unknown persons attacked the complainant with a plumbing spanner used for opening water valve, hitting the tank of the motorcycle of the complainant and thereafter on his leg. Thereupon, the complainant fell down and thereafter, the unknown persons assaulted the complainant with fists, kicks and spanner. It is further alleged that the assailants uttered and threatened the complainant not to quarrel with the present applicant or otherwise they will kill him. Thereupon, Crime No.21/2022 was registered with the Police Station Jalamb, District Buldana against the applicant and three unknown persons for the offences punishable under Sections 326, 324, 341, 120-B, 506 and 427 of the Indian Penal Code. The applicant is seeking pre-arrest bail in the aforesaid crime.

2. Shri Gandhe, learned Counsel for the applicant submits that the complaint was lodged by the complainant to

falsely implicate the applicant whereas, no way he is connected with the alleged offence.

3. It is submitted that even taking the allegations as it is, there is no question of recovery of any weapon from the applicant in this case. It is submitted that even description of the unknown persons is there. Therefore, for that purpose also, there is no question of asking for custody of the applicant. He, therefore, prays for grant of pre-arrest bail.

4. On the other hand, learned A.P.P. strongly opposed the application. He has drawn attention of this Court to the statements of the witnesses recorded by the Investigating Officer. After going through the statement of Dhaba Owner, it is sufficient to *prima facie* show the involvement of the applicant in the alleged offence. Learned A.P.P. submits that the custody of the applicant is necessary to complete the investigation and to reach to three unknown accused persons.

5. Considering the statements of the witnesses, I am of the opinion that, *prima facie* incriminating material is available against the applicant. Moreover, looking to the injuries which are serious in nature and purpose for which the custody of the applicant is sought, I am of the opinion that the applicant is not entitled for grant of pre-arrest bail.

Accordingly the Criminal Application is **rejected**.

[ANIL S. KILOR, J.]

R.S.Sahare