

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.42 OF 2024

Pallavi Nilesh Dhoke

...Applicant

vs.

The State of Maharashtra

...Respondent

VISHAL
SUBHASH
PAREKAR

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Mr. Aniket Vagal a/w. Mr. Kunal Pednekar, Mr. Divesh Mehani and
Savry Kolhekar, for the Applicant

Mr. Y.M. Nakhwa, APP, for the Respondent/State.

Mr. Sunil Bidkar, PSI, Ambad police station.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 01, 2024

P.C.:

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

2. This application is preferred seeking pre-arrest bail in
connection with C.R. No. 230 of 2023 registered at Ambad police
station for the offences punishable under sections 302 and 427 read
with 34 of Indian penal Code, 1860.

3. The applicant had preferred an application for pre-arrest bail,
being ABA No. 1331 of 2023. The said application was dismissed as
withdrawn by an order dated 6th December, 2023, as this Court was
not inclined to entertain the application.

4. Mr. Vagal, the learned counsel for the applicant, submits that
after the said application was withdrawn, the applicant had again

moved the Court of Session for pre-arrest bail as, in the intervening period, charge sheet had been lodged.

5. Since this Court had expressed its disinclination to entertain application having regard to the prima facie case made out against the said applicant and, thereupon, the application was withdrawn by the applicant, there is no propriety in entertaining the application afresh.

6. Nonetheless, from the perusal of the report under section 173 of the Code of Criminal Procedure and the documents annexed with it, it becomes evident that a strong prima facie case is made out against the applicant.

7. The gravamen of indictment against the applicant is that Nitin (the deceased), the son of the first informant, was assaulted by the applicant and the co-accused by means of iron rods and fist and kick blows on the count that the deceased had made calls to the applicant.

8. The postmortem report indicates that the probable cause of death was spino-vertebral damage with cerebro pulmonary edema due to blunt trauma. During the course of external examination, the autopsy surgeon had noted a number of injuries. The incident was allegedly witnessed by three witnesses namely Narayan Tandle, Sandip Ranmale and Dharma Savkar. All the three witnesses have

stated that the applicant and the co-accused had assaulted the deceased by means of iron rods and fist and kick blows. The reason for which the assault was allegedly perpetrated by the applicant and co-accused, had also been adverted to by each of the witnesses.

9. In the circumstances, there is a strong prima facie case against the applicant. Moreover, having regard to the nature of indictment, the custodial interrogation of the applicant is indispensable for effective investigation.

10. Therefore, I am not inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] The application stands rejected.

2] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(N. J. JAMADAR, J.)