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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.234 OF 2015

Sunil Rajaram Jaiswal and Ors.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.Prakash S. Jain, for the Applicants.
Ms.A.T.Javeri, APP for the State.
PSI K.V.Deshmukh, Chembur Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATED : 17th FEBRUARY, 2015.

P.C.

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.
2. Issue notice to the respondent – State. Learned APP waives notice on behalf of the Respondent – State.
3. By this application, the applicants seek pre-arrest bail in connection with C.R. no.29 of 2015, registered with the Chembur Police Station, Mumbai, for the alleged offences punishable under Sections 323,

326, 504, r/w 34 of the Indian Penal Code.

4. At the outset, learned counsel for the applicants seeks leave to withdraw the prayer seeking anticipatory bail on behalf of applicant no.1. He submits that the applicant no.1 will surrender before the appropriate Court on 23rd February, 2014 and as such he does not press qua the present applicant no.1. As far as applicant nos.2 and 3 are concerned, he submits that the incident in question had taken place on 23rd January, 2015, at about 21.00 p.m., when the complainant is alleged to have been assaulted by the applicant no.1 – Sunil @Bachha Jaiswal. He submitted that there is no overt act attributed to the applicant nos.2 and 3. He submits that the applicant nos.2 and 3 have been falsely implicated only because they were present at the spot when the alleged assault took place.

5. Learned APP on the instructions of the Investigating Officer, who is present in the Court, does not dispute the fact, that applicant nos.2 and 3 were only present at the time of the incident and that no overt act had been attributed to them. The eye witnesses who were present at the time of the incident have also not attributed any overt act to the applicant nos.2 and 3.

6. Considering the peculiar facts of the case, the applicant nos.2 and 3 deserve to be granted pre-arrest bail, on the following terms and conditions :

ORDER

- i) The application is not pressed, qua applicant no.1 – Sunil R. Jaiswal;
- ii) As far as applicant no.2 – Nilesh H. Jaiswal and applicant No.3 – Ravi K. Ahervar are concerned, in the event of their arrest, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- iii) The Applicant nos.2 and 3, shall attend the Chembur Police Station, Mumbai, on every Saturday and Wednesday, between 11.00 a.m. to 1.00 p.m, commencing from 21st February, 2015, till the filing of the charge sheet ;
- iv) The Applicant nos.2 and 3 shall not tamper or attempt to influence the complainant or any persons concerned with the case;

- v) The Applicant nos.2 and 3 shall furnish their permanent address to the Investigating Officer and if there is any change, shall inform the concerned police station.
- 7. The Application is allowed and disposed of in above terms.
 - 8. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)