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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.436 OF 2015

Rajaram Eknath Toke	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

WITH
CRIMINAL APPLICATION NO.325 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.436 OF 2015

Shivaji Ganpat Gunjal	...	Intervener
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IN THE MATTER BETWEEN

Rajaram Eknath Toke	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Niranjan Mundargi, for the Applicant.
Mr.S.H.Yadav, APP for the Respondent – State.
Mr.Aslam Malik, for the Intervener.
PSI – Ashwini Jadhav, Sakinaka Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 8th APRIL, 2015.

P.C.

1. Heard learned counsel for the Applicant, learned counsel for the Intervener and the learned APP for the Respondent - State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR.No.8 of 2015 registered with the Sakinaka Police Station, Mumbai, for the alleged offence punishable under Section 326 of the Indian Penal Code.

3. According to the prosecution, the incident in question had taken place on 7th January, 2015, at around 1.00 p.m. The first informant – Shivaji Gunjal has alleged in his complaint, that when he was walking towards Andheri – Ghatkopar Link Road and had reached Shivaji Nagar, one unknown person, wearing green shirt and blue jeans came and assaulted him, with a sharp edged weapon, on his right cheek. It is alleged that there was heavy bleeding and the mob that had gathered took the complainant to the hospital. The complainant has further alleged that he had seen the said person earlier, with the present applicant.

4. Admittedly, the applicant is not the person who assaulted the injured complainant. The person who is alleged to have assaulted the complainant is unknown to the complainant, but allegedly seen with the applicant. It appears from the record, that the applicant and the complainant are neighbours and that there were disputes between the

parties, with regard to construction of a common toilet.

5. Learned Counsel for the applicant contended that infact the applicant's wife had lodged a complaint as against the complainant and his family members sometime in July, 2014, alleging offences punishable under Sections 452, 143, 147, 149, 323, 325, 506(II) of the Indian Penal Code. There are seven cases which have been filed by both, the applicant and the complainant as against each other.

6. Considering the material on record and admittedly since the applicant is not the assailant, the custodial interrogation of the applicant is not necessary. The applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall report to the Sakinaka Police Station, Mumbai, on every Saturday, between 10.00 a.m. to 11.00 a.m., for a period of six weeks from today;

- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
- iv) The Applicant shall co-operate with the Investigating Agency.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

9. In view of the disposal of the Anticipatory Bail Application No.436 of 2015, the Intervention Application being Criminal Application No.325 of 2015 does not survive and the same is also disposed of.

10. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)