

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 803 OF 2015

Amarjeet Singh Soar	.	...	Applicant
vs.			
The State of Maharashtra		...	Respondent

Mr.M.K.Kocharekar, Advocate, for the applicant.
Ms. R.M.Gadhavi, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 22nd June, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicant is apprehending his arrest in Crime No.518 of 2014 registered at Mira Road Police Station on 5.10.2014 for the offences punishable under Sections 394, 363, 504,506 read with Section 34 of Indian penal Code. The investigation is completed and charge sheet is filed against the co-accused on 20.3.2015.

2. It is the case of the prosecution that the complainant was acquainted with the brother of the applicant in Central jail. It was agreed between them that after they were released, the brother of the applicant would host a party. Accordingly, on 4.11.2014 at about 4 p.m., the

complainant along with the present applicant and his brother had been to Madonna Bar & Restaurant. They had consumed alcohol. In the intervening night at about 1.30 a.m., there was a brawl between them. There was altercation as all of them were under the influence of alcohol. On 5.10.2014, the complainant Satish Chandra lodged a report at the police station alleging therein that in the said altercation, the present applicant had snatched his golden chain and a golden ring from him. Hence, the offence is registered under Section 394 of IPC. The co-accused were arrested and enlarged on bail.

3. The learned counsel for the applicant submits that the applicant has returned the said golden articles to the complainant. Be that as it may, the learned APP, upon instructions, submits that there are no criminal antecedents.

4. Perused the papers of investigation and the statement of Awdesch Jang Bahadur. He has specifically stated that there was an altercation between the complainant and the present applicant and his brother on one side. According to him, the complainant was assaulted by the present applicant and his associates. Awdesch Bahadur had pacified the group and asked

them to return to their respective homes. According to Awadesh, both the parties had returned home peacefully. Perused the Injury Certificate. It appears that the complainant was examined at Saibaba Hospital and Polyclinic on 5.11.2014. He had sustained contusions. The incident is admitted by the applicant. There are no serious injuries on the complainant. The applicant has made out a case for grant of pre-arrest bail.

5. The above observations are prima facie in nature and shall not be considered while deciding the application for quashing or discharge application or at the time of trial.

ORDER

(i) in the event of his arrest, the applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the concerned police station between 10 a.m. to 1 p.m. from 29th June 2015 till 5th July, 2015 and shall co-operate with the investigating agency to the best of his capacity.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)