

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1049 OF 2015

Nitin Devendra Kumar Joshi	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Rajesh D. Bindra, Advocate, for the applicant.

Ms. P.P. Shinde, APP, for the State

Mr. Kishor Laxman Sawant, P.I. D.N. Nagar Police Station present.

CORAM: SMT. SADHANA S. JADHAV, J.

DATE : 28th July, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.

The applicant herein is apprehending his arrest in Crime No.84 of 2015 registered at Versova Police Station on 12.3.2015 for the offences initially filed under Sections 324, 427, 506 read with Section 34 of IPC.

2. It is the case of the prosecution that on 12.3.2015, Uttam Singh Chauhan, who was working with "O Lounge Hotel", lodged a report at the police station alleging therein that his owner had a quarrel with the owner of the "Hotel Sea Edge", which is situated in front of Hotel O Lounge. According to him, on 9.3.2015, he was supervising the parking of the cars

of the customers. Imran came to the spot and raised a quarrel with him. There was an altercation and in the said altercation, Nitin ie. the present applicant assaulted Ibrahim, Salim and others with fist and kick blows. In the meanwhile, some persons had assaulted him with a sharp-edged weapon. He had sustained injuries on his wrist and other parts of the body. He was taken to the hospital. According to him, he was admitted in ICU for some time. Initially, the offence was registered under Sections 324, 427, 506 read with Section 34 of IPC. However, subsequently, Section 326 of IPC is added. As far as the role of the present applicant is concerned, the complainant has specifically stated that the present applicant had assaulted him with fist and kick blows. The Injury Certificate issued by the Municipal Corporation Hospital would show that on 9.3.2015, the complainant was taken to the hospital by a friend. He had complained of pain in wrist region. He had given the alleged history of assault by five unknown persons who had twisted the wrist and had assaulted with fist and kick blows at Yari Road.

3. Taking into consideration the recitals in the FIR, coupled with the role attributed to the applicant, this Court is of the opinion that the applicant deserves grant of pre-arrest bail.

4. It is made clear that the above observations are restricted to the application under Section 438 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial and also it is made clear that the co-accused shall not claim parity with the present applicant.

ORDER

- (i) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall report to the concerned police station on 30th and 31st July, 2015 between 10 a.m. to 1 p.m. and co-operate with the investigating agency to the best of his capacity.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)