

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1122 OF 2015**

Narendra Chandrakant Gaikwad	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Govind Solanke I/b Mr. Pratap Patil for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

Mr. P. K. Sawant, API from Khopoli Police Station is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 4th SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 52 of 2015 registered with the Khopoli Police Station, Raigad, for the alleged offences punishable under Sections 451, 323, 143, 147, 148, 504, 506 of the Indian Penal Code.
3. The incident in question has taken place on 6th April, 2015 at about 3:00 p.m. It is alleged by the complainant Ajay Sawant that there

was construction going on in the compound of T. M. Printers Company. He has alleged that the present applicant along with four persons came to the spot and started abusing them, that the present applicant slapped Dayanand and the persons who were accompanying the present applicant, pelted stones. It is alleged that one stone hit the complainant on his back. Thereafter, the present applicant abused and threatened the complainant and others to stop work or else he would lodge a complaint alleging offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. With respect to the same incident, there is another C.R. lodged on the same day, which was registered vide C.R No. 09 of 2015. The said complaint has been lodged by Narendra Gaikwad i.e. the present applicant. He has alleged that he had gone to the said company T. M. Printers to find out whether they had obtained permission to do the construction. He has alleged that Dayanand started abusing him and the Supervisor of the company one Mr. Sawant abused him on his Caste. It is further alleged that Dayanand and Sawant threatened to kill him and pelted broken pieces of bricks at him.

5. Learned Counsel for the applicant states that the complaint filed by Ajay Sawant is a false case and that no such assault had taken place. Learned A.P.P on the instructions of the Officer, who is present in Court, states that the Officer has verified the CCTV footage. She states that an incident had taken place on 6th April, 2015, however, no one was injured in the said incident. She also states on instructions that no threats were given by either of the parties. Leaned A.P.P states that there are antecedents as against the present applicant i.e. two cases registered as against the applicant and one NC.

6. Perused the papers. Considering the nature of allegations and the material on record, custodial interrogation of the applicant is not necessary and hence, the applicant is granted anticipatory 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.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station on every Saturday from 10:00 a.m. to 11:00 a.m. till the filing of the charge-sheet. Thereafter, on the first Saturday of every month till the conclusion of the trial;

(iii) The applicant shall cooperate with the investigating agency and shall not contact, intimidate, tamper or attempt to influence the complainant or any witness concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.