

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1269 OF 2015

Nitin Vishwanath More

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Santosh H Chari for the Applicant.

Mr. Y. M. Nakhawa APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th AUGUST, 2015.

P.C.

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.149/2015 registered with the Govandi Police Station for the offences punishable under sections 326, 323, 504, 506 r/w.34 of IPC.

3. It appears that certain monetary transactions had taken place between the applicant and Dinesh Koli and that the applicant and Tushar was suspecting that the complainant- Vijay Gurav had kept a share from an amount of Rs.3,30,000/-. According to the prosecution ,

on 17/7/2015 there was altercation between the applicant, Tushar, Kailash Notiwali, Dinesh Koli, Rohan and the complainant. The dispute related to a money transaction. It is alleged that Rohan took out a bamboo stick from the hut and assaulted the complainant on his right hand and that the present applicant and Tushar abused and assaulted the complainant. It is alleged that thereafter Dinesh Koli and the complainant were made to sit in the Scorpio car and were taken by the applicant, Tushar and Rohan. According to the prosecution, the complainant jumped out of the said vehicle and as he cried for help, the accused ran away.

4. Learned counsel for the applicant states that Tushar has been granted anticipatory bail and Rohan has been enlarged on regular bail. He submitted that no injury has been caused by the applicant to the complainant.

5. Learned APP has produced the injury certificate of the complainant which shows that the complainant had suffered abrasion on the left hand and there was a fracture to his right hand.

6. It appears that the fracture injury was either a result of an

assault by Rohan on the complainant or as a result of the fall. However, that is the matter which will be considered by the Trial Court.

7. Considering the role of the present applicant and the fact that Tushar has been granted anticipatory bail, the applicant is granted anticipatory bail on the following terms and conditions:

ORDER

(i) In the event of 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 Govandi Police Station on every Saturday from 10.00 a.m. to 12.00 noon till filing of the chargesheet and thereafter on 1st Saturday of every month for a period of 12 months from today.

(iii) The applicant shall co-operate with the investigating agency and shall not tamper or attempt to influence the witnesses or any person concerned with the case.

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

9. 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.

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

(REVATI MOHITE DERE, J.)