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*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 62 of 2016

Surendrakumar Krishnappa Devadia Vs. The State of Maharashtra.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Prakash Naik a/with Ganesh Bhujbal, for the applicant.
Smt. S.D.Shinde, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 15th January, 2016

P.C.

1) The applicant is apprehending arrest in CR No.359/2015, registered with Dindoshi Police Station, for the offences punishable under sections 143, 144, 146, 147, 149, 149, 323, 326, 504, 506 (II) of IPC read with section 3 (1)(iv), (v) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with section 37 (1), 135 of the Bombay Police Act, 1955.

2) The complainant Mr Arjun Malji Vaijal has filed FIR dated 29th June, 2015 interlia, specifically making an allegation against co-accused, namely, Vinayak Vijaysingh Chauhan that he along with other persons came to his property, abused him on his caste,

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thereafter Vinayak Chauhan took out a chopper, assaulted with it on his head and also gave a blow of the said chopper to the son of the said Vinayak Chauhan.

3) During the course of investigation, the police received medical certificate of son of complainant namely Mr Machindra Arjun Vaijal, the said certificate specifically mentions that there are no external injuries. As far as other columns of the certificate are concerned the same are blank. The said certificate dated 29th June, 2015 issued by the Medical Officer of Bhagwati Hospital, Borivali.

4) Vinayak Vijaysingh Chauhan has lodged a cross complaint against complainant bearing C.R.No. 395 of 2015 stating that on the date of the incident on 29th June, 2015 the said Vinayak Vijaysingh Chauhan and his other assistants were mercilessly beaten by the complainant herein and said Vinayak Vijaysingh was hospitalized.

5) After taking into consideration the evidence available on record, this Court by its order dated 17.12.2015 granted pre-arrest bail to the main accused namely Vinayak Vijaysingh Chauhan. As far as the present applicant is concerned, the role attributed to him in the entire crime is that after the said co-accused namely Vijaysingh Chauhan assaulted the son of the complainant namely Machindra Vaijal, the applicant and other co-accused persons assaulted the said

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son of the complainant with fist and kick blows. It appears from the record that the role attributed to the present applicant is much lesser than attributed to said Vinayak Vijaysingh Chauhan in the crime.

6) In view of the above, the applicant has made out a case for grant of pre-arrest bail.

7) Hence, the following order :

ORDER:-

(a) In the event of arrest of the applicant, he shall be released on bail in CR No.359/2015, registered with Dindoshi Police Station, Mumbai on his furnishing a PR. bond of Rs.10,000/- with one or two solvent sureties in the like amount;

(b) The applicant shall attend the Investigating Officer as and when called for between 10:00 a.m. to 12:00 noon for the purpose of investigation till the filing of the charge-sheet;

(c) It is needless to mention that before calling the applicant to the police station, the I.O. shall issue a notice under section 160 of Cr.PC.

(d) The applicant shall not tamper with the evidence and/or influence the witnesses;

The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)