

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.77 OF 2016

Kupanandan Rajlingam .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Vikram Chavan, Advocate, for the Applicant
Mrs.R.Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.07.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail in connection with C.R.No.
I-291 of 2015 registered with the Ambarnath
Police Station, Thane, for the alleged offences
punishable under Sections 307, 394, 504, 143,
148 & 149 of the Indian Penal Code.

3. According to the Complainant-Shivkumar Tangwel, due to an earlier quarrel between the Applicant's group and the Complainant's group, an incident took place on 30.10.2015, at 1.00 p.m. He has alleged that the Applicant along with other co-accused, including Tavdan Chimeto came to the spot, armed with choppers and iron pipe. He has alleged that Tavdan Chimeto assaulted him and one Panir Sannismari with a Sword. According to the Complainant, the Applicant also took part in the assault and was a member of the unlawful assembly. According to the Complainant, the Applicant was holding a weapon in his hand at the relevant time.

4. Learned counsel for the Applicant submitted that with regard to the same incident, a cross complaint was lodged by co-accused Arul Pandian, which was registered vide C.R.No.I-292 of 2015, as Arun Pandian and others were assaulted by the Complainant and others, in the

same incident. Learned counsel for the Applicant further submitted that the Applicant is working with the Ambarnath Nagar Parishad and if he is taken into custody, his service would be affected.

5. Learned APP does not dispute the fact that there is a cross case with respect to the said incident dated 30.10.2015. She submitted that one Smt.Anadai Anandan, sister of the Complainant – Shivkumar Tangwel in her statement, has disclosed that the Applicant was armed with a sharp edged weapon and had assaulted her on her left hand. The nature of injury is stated to be simple.

6. Perused the papers. This Court had granted interim protection to the Applicant vide order dated 07.02.2016 and had directed the Applicant to attend the police station, pursuant to which the Applicant attended the concerned

police station and joined investigation. It appears that there is a cross complaint with respect to the incident dated 30.10.2015 and that the Applicant's side has also lodged C.R.No.I-292 of 2015 as against the Complainant and others, alleging offences punishable under Sections 307, 326, 323, 504, 506, 143, 148 & 149 of the Indian Penal Code. The Applicant is alleged to have assaulted the sister of the Complainant. The nature of injury sustained by the Anadai at the hands of the Applicant is simple in nature.

7. Considering the aforesaid, the Applicant is granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Ambarnath Police Station, Thane **as & when called for by the investigating officer** till the filing of the charge-sheet;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

9. It is made clear that the observations made herein are *prima facie* and are confined to

this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(REVATI MOHITE DERE, J.)