

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.187 OF 2016

Tanaji Eknath Katekar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, Adv. i/b. Balwant Salunkhe, Adv. for the applicant.

Mr. D.P. Adsule, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 29th February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.I-431 of 2015 registered with Navi Mumbai, Panvel City Police Station for offences punishable under Sections 143, 147, 307, 323, 326 & 452 r/w. 149 of the IPC.

2. Said crime was registered pursuant to the FIR lodged by Ram Katekar. The case of the prosecution is that on 30th December, 2015 at about 11.30 to 11.45 pm, the applicant along with the co-accused Tanaji Katekar criminally trespassed into the house of Ram Katekar and assaulted him with iron pipes and sticks and caused him

serious injuries. Apprehending his arrest the applicant herein had filed anticipatory bail application. The said application came to be dismissed by the Addl. Sessions Judge, Raigad by an order dated 12th January, 2016. Hence the present application.

3. Heard Mr. Joshi, the learned Counsel for the applicant and the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The FIR lodged by Ram Katekar states that on 30.12.2015 between 11.30 to 11.45 p.m. the applicant and the other co-accused criminally trespassed into the house of Ram Katekar and inflicted blows of iron pipes on his head and assaulted him with sticks and caused injuries. The medical certificate prima facie indicates that the complainant had sustained one injury i.e. CLW which the doctor has certified as simple in nature. Considering the above facts and circumstances in my considered view there is no prima facie material to link the applicants with the offence punishable under Section 307 of the Indian Penal Code. The nature of the allegations, therefore, do not justify custodial interrogation.

4. Mr. Adsule, the learned APP for the State has submitted

that the applicant has criminal antecedents. In the reply to the bail application filed before the Sessions Court the prosecution had stated that the applicant is one of the accused in Crime No.232 of 2015. The learned counsel for the applicant has placed on record a copy of the FIR of Crime No.232 of 2015. A perusal of which indicates that the said FIR was lodged by one Gajanan E. Katekar and the applicant herein was one of the injured witness in the said crime. Said crime was registered against the first informant and the others. The records therefore prima facie reveals that the investigating officer had made a wrong statement before the learned Sessions Judge regarding criminal antecedents of the applicant.

5. Be that as it may, the nature of the accusations do not justify custodial interrogation. Even otherwise the applicant is a permanent resident of Tal. Panvel, Dist. Raigad and there is no possibility of the applicant absconding or thwarting the course of justice.

6. Hence the application is allowed on following terms and conditions.

(a) In the event of the arrest of the applicant in Crime No. I-431/2015 registered with Panvel City Police Station the applicant be released on bail furnishing bail bond of Rs.20,000/(Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the Judicial Magistrate First Class, Panvel.

(b) The applicant shall report to the Investigating Officer for 4 days from 10 a.m. to 1 p.m. from the date of the receipt of this order.

(c) The applicant shall not interfere with the complainant or the other witnesses in any manner.

(d) The applicant shall not leave Raigad district till filing of the chargesheet without prior permission of the Judicial Magistrate First Class, Panvel.

(ANUJA PRABHUDESSAI, J.)