

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.247 OF 2016

Jaynath Mativar Singh	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Vikram Chavan i/b. Sheetal Thakur, for the Applicant.
Mrs. S.S. Kaushik, APP for Respondent – State.
API. Maruti Andhale, Ambarnath police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **7th MARCH, 2016**

PC.:

1. The application is moved for pre arrest bail under Section 438 of Code of Criminal Procedure as the applicant/accused is facing charges for the offences punishable under Sections 307 and 504 read with 34 of the Indian Penal Code in C.R. No. I-288 of 2015 registered with Ambarnath police station, Dist. Thane which was registered on 27th October, 2015 at the instance of one Lukman Shaikh.

2. As per the case of the prosecution on 26th October, 2015 i.e. on the date earlier to the lodging of the First Information Report, the complainant alongwith co-accused Ibrahim had dinner, however it ended with a fight with Ibrahim and the complainant. So he left the

place and when he was returning, at that time, two unknown persons arrived and assaulted him. One was holding knife who stabbed him in his ribs and other having wooden stick gave blow on his legs. On his shouts, people arrived there and the accused ran away.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused as per the case of the prosecution was holding a wooden stick. He was granted pre arrest bail on 9th February, 2016 and thereafter he attended the police station regularly. The stick was recovered from him by the police. He further submitted that the accused Ibrahim and co-accused Kaushlesh who were holding knife are also released on bail.

4. The learned prosecutor while opposing the application, relied on the injury certificate. She confirmed that there is recovery of wooden stick from the applicant/accused.

5. Perused the First Information Report and the injury certificate. It shows that there is cut wound and stabbed wound on the person of the complainant. Pursuant to the earlier interim order,

the applicant/accused has attended the police station. The wooden stick was recovered from him. Under such circumstances, if at all the police wants to carry out T.I. Parade, they may carry the same by calling the applicant/accused under protection. Hence, the interim bail granted earlier is hereby confirmed. With this I pass the following order.

6. The anticipatory bail application is allowed on the following conditions.

- a) The applicant/accused shall not tamper with the evidence and shall not pressurize the witnesses.
- b) He shall not indulge into any criminal activity, while on bail.
- c) He shall make himself available and attend all the Court dates regularly.
- d) The applicant/accused shall attend the investigating officer of Ambernath police station, Dist. Thane as per earlier direction till filing of the charge-sheet
- e) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

(MRS.MRIDULA BHATKAR, J.)