

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.258 OF 2016

Shri Rahul S/o. Dinesh Singh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Sushil Kumar S. Upadhyay for the Applicant

Ms.Alpa Javeri, APP, for Respondent – State

Mr.S.N. Bolamwad, API, Samata Nagar Police Station – present

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

DATE: **APRIL 7, 2016**

P.C.:

1. The applicant-accused is prosecuted for the offences punishable under sections 341, 324, 506 r/w 34 of the Indian Penal Code and under section 37(1) and 135 of the Mumbai Police Act in C.R. No.538 of 2015 registered with Samata Nagar police station. It is the case of the complainant that the co-accused Deepak Gautam Pandey is a goon in the locality where the complainant is residing. He has created terror in the locality. On 1.10.2015, at around 1930 hrs, when he was going, suddenly the co-accused Deepak Pandey, his friend @ Tillu and one other person came there on an Activa motor cycle. They stopped the complainant and suddenly they assaulted him. Deepak Pandey was holding a beer bottle and the applicant was armed with a sword. The co-accused broke the beer bottle and assaulted him with the bottle. When the co-accused was

mounting assault with broken beer bottle, the applicant-accused and the other accused held him and thereafter, the applicant-accused created terror by brandishing the sword at the public on the road. Therefore, the public started running helter-skelter and hence, the offence was registered.

2. The learned Counsel for the applicant has submitted that the applicant-accused is a student appearing for his B.Com examination. His examination is getting over on 12.4.2016. He has not assaulted the complainant and he prays for pre-arrest bail. The learned Counsel further submitted that he does not have any antecedents. This is his first offence.

3. Learned Prosecutor has opposed the application. It is confirmed by her that this is the first offence committed by the applicant.

4. On perusal of the FIR, it is found that the injuries were caused by the co-accused Deepak Pandey with broken beer bottle. At that time, the applicant-accused was holding sword and he threatened the public at large. This is a serious act committed by the applicant-accused. However, the applicant-accused is taking education and secondly, it is his first offence and, therefore, the anticipatory bail application is allowed on the following terms:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Monday after 13th April, 2016 in the morning from 10 am to 11am, till 16th May, 2016;
- iii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
- iv) The applicant-accused shall not indulge into any offence especially against the human body;
- v) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
- vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

(MRIDULA BHATKAR, J.)