

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 441 OF 2016

Arvind Krishnakant Shukla & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Ms. Anushka A. Shreshtha, Advocate for the applicants.
Mrs. R. Ambekar, APP for the State.
Mr. Pratik Patil, P.S.I., Govandi Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **11th March, 2016.**

P.C.:

This Application is moved by the applicants for anticipatory bail, as the applicants/accused are facing charges for the offences punishable under sections 326 and 323 of the Indian Penal Code in C.R. No. 38 of 2016 registered with Govandi Police Station, Mumbai. The offence is registered at the instance of Akash Mishra.

2. It is the case of the prosecution that the complainant is working as a security guard and applicant/accused nos. 1 and 2 are supervisors. On 18th February, 2016 when the complainant asked about his remaining salary, there was verbal altercations between the complainant and applicant no. 1 in the morning, however, on the same day in the afternoon, when the complainant was doing his duty, the applicants/accused arrived there. Applicant no. 1 started assaulting the complainant and applicant nos. 2 and

3 held the complainant. The complainant sustained injuries on his head and his right hand got fractured. Hence, the complaint is lodged against the applicants/accused.

3. The learned counsel for the applicants/accused submitted that the complainant was drunken on that day and therefore, the applicants/accused went there. However, the complainant abused them and he himself fell down. When applicant/accused no.1 was taking the complainant in his motorbike for treatment, on the way, the complainant jumped from the bike and fell down, so he sustained injuries. The learned counsel submitted that the applicants be granted pre-arrest bail.

4. Learned APP opposed this Application and submitted that the applicant no. 1 is the one who was aggressive and assaulted the complainant. Learned APP relied on the injury certificate of the complainant. Hence, applicant no. 1 is not to be granted pre-arrest bail.

5. Perused the FIR. When the complainant demanded his salary, applicant no. 1 refused to give it. Thereafter in the afternoon, applicant no. 1 along with applicant nos. 2 and 3 went to the spot and assaulted the complainant. The injury certificate discloses that the complainant has

sustained fracture of ulna. The manner in which the incident has taken place, the Application for pre-arrest bail of applicant no.1 Arvind Krishnakant Shukla is rejected. However, I am inclined to confirm the pre-arrest bail granted to applicant no.2-Sudama Kailash Singh and applicant no. 3-Dinesh Pancham Singh on 10th March, 2016. Applicant nos. 2 and 3 are directed to attend the concerned police station on every Tuesday between 6 p.m. to 7 p.m. till the filing of the charge sheet.

5. The Application is disposed of on above terms.

(MRIDULA BHATKAR, J.)