

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 488 OF 2016

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| 1. Kamala w/o. Vimal Jagat Narayan Singh | | |
| 2. Sunil Jagatnarayan Singh | | |
| 3. Anil Jagatnarayan Singh | | |
| 4. Janki Sunil Singh | | |
| 5. Roopa Amit Singh | | |
| 6. Amita Anil Singh | | |
| 7. Amit Sunil Singh | | |
| 8. Ashish Sunil Singh | | |
| 9. Akash Anil Singh | | |
| 10. Ayush Anil Singh | ... | Applicants |
| Vs. | | |
| 1. The Sr. Inspector of Police, Oshiwara
Police Station | | |
| 2. The State of Maharashtra | ... | Respondents |

Mr. Kunal Bhanage, Advocate for the applicants.

Mr. S.H. Yadav, APP for the State.

Mr. Sunil R. Yadav, Advocate for the complainant.

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

DATE: **17th March, 2016.**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are facing charges under sections 323, 324, 326, 504, 506(II), 141, 143, 147, 149, 452 of the Indian Penal Code and subsequently section 354B is also added in C.R. No. 114 of 2016 registered with Oshiwara Police Station, Mumbai. The offence is registered at the instance of Pradeep Singh, who is related to the applicants/accused. The applicants/accused and the complainant are staying under one roof but

having separate rooms and kitchen. There is property dispute between the parties. On 27th February, 2016, the incident of assault has taken place.

2. It is the case of prosecution that the complainant and applicants/accused have dispute in respect of electricity bill. On 27th February, 2016, brothers of complainant, namely, Sunil, Anil, his nephews, who are applicants/accused enter the office of the complainant, who is advocate by profession. They pulled the complainant out and there was fight between them. The complainant has suffered injury on his head. The female members of complainant family came to rescue him, at that time, complainant's wife and daughter were also assaulted. Hence, the offence is registered against the applicants/accused.

3. The learned counsel for the applicants/accused has submitted that this is a family dispute. There are criminal cases against each other filed earlier to this criminal case. The applicants/accused and other family members have filed a Civil Suit for partition against the complainant. There are no other criminal antecedents against the applicants/accused.

4. Learned APP and learned counsel for the complainant opposed this application.

5. On perusal of the FIR, other papers, previous record and the injury

certificate, I am of the view that applicants are entitled for anticipatory bail. Hence, pre-arrest bail are granted to the applicants/accused on the following terms and conditions:

ORDER

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- each with one surety;
- ii) The applicants/accused shall not tamper with the evidence or pressurize the complainant;
- iii) The applicants/accused shall not indulge into any physical assault with the complainant and his family members.
- iv) The applicants/accused shall cooperate the Investigating officer and shall attend the concerned police station on every Wednesday between 6 p.m. to 7 p.m. for two months.
- v) 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.

6. Anticipatory Bail Application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)