

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.598 OF 2016

1) KAMLESH DAYANAND GUPTA)
2) SHESHNATH RAI @ THAKUR)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri K.M.Singh, Advocate for the Applicants.

Smt.S.S.Kaushik, APP for the Respondent – State.

Shri Santosh Kotwal, A.P.I., Rabale Police Station, present in court.

CORAM : P N. DESHMUKH, J.

DATE : 20th JUNE 2016.

P.C. :

1 Both the applicants involved in Crime No.1-20 of 2016 registered with Rabale Police Station, Navi Mumbai, for the offences punishable under Sections 324, 326, 141, 143, 504, 506 of IPC and Section 4 of Dowry Prohibition Act, have filed this application for grant of anticipatory bail.

2 Learned counsel for the applicants contended that investigation is in progress. However, no provisions of either of the sections particularly Section 326 or Section 307 of IPC can said to be attracted against the applicants as there are no allegations against these applicants to have caused grievous injuries by either of them to injured Katwaru Gupta.

3 This court by order dated 16th April 2016 had granted interim protection with directions to attend Investigating Officer which has been duly complied.

4 From perusal of report it appears that marriage between the daughter of complainant and co-accused Shailesh was arranged on 29th January 2016 in a hall at Airoli, when on 30th January 2016 in the midnight, father of co-accused Shailesh demanded Rs.1 Lac in cash from the parents of bride and on this count, there happened to be altercations between them, when applicant no.1 is stated to have assaulted brother of the complainant on his head by a glass bowl while applicant no.2 is

stated to have assaulted Santosh by fist blows. Admittedly, apart from the applicants, there are three other co-accused in the present crime who are granted regular bail by the trial court.

5 On perusal of investigation papers, from the injury report it reveals that injured Katwaru Gupta had sustained one injury in the form of deep incised cut on forehead admeasuring 3x1x0.5cm. From the contents of report, involvement of other three assailants is also stated, who had used chairs and had manhandled the injured.

6 Having considered the nature of involvement of applicants and the injury certificate as aforesaid, anticipatory bail granted to applicants by this court as stated above stands confirmed on same terms and conditions with further directions to applicants to attend the Investigating Officer whenever called till the filing of charge-sheet.

(P. N. DESHMUKH, J.)