

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.611 OF 2016

Kousthub Akhilesh Dubey

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Amit singh i/b S.S. Vaswani for the Applicant

Mrs.P.P. Shinde, APP, for Respondent – State

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

DATE: **APRIL 22, 2016**

P.C.:

1. The application is for pre-arrest bail as the applicant-accused is facing prosecution under sections 307, 143, 147, 148, 149 of the Indian Penal Code as also under section 37(1) and 135 of the Mumbai Police Act.
2. The complaint was registered at the instance of one Govind Lalchand Mourya, the neighbour of the applicant-accused that both the families are residing next to each other. The illegal structure constructed by the family of Akhilesh Dubey, who is the principal accused and the father of the applicant-accused, was demolished at the instance of the complainant and, therefore, Dubey family was angry with him. On 4.6.2015, at midnight, the applicant-accused alongwith some persons arrived on a motor cycle at the house of the complainant. Akhilesh Dubey also arrived there with iron rod. They all assaulted the complainant. One

Sonu Singh assaulted him with chopper. The complainant could save himself as his family members intervened. Thereafter, he gave information on the next date i.e., on 5.6.2015, pursuant to which C.R. No.I-176 of 2015 was registered at the Hill Line police station, Thane.

3. The learned Counsel for the applicant submitted that the applicant is a boy of 24 years and he is an Engineering student. At the time of the incident, he was attending classes in Nagpur. He submitted that there are no antecedents to the record of the applicant-accused.

4. Learned Prosecutor is present and has opposed the application. She submitted that the applicant-accused was holding a pipe at the relevant time.

5. Perused the FIR, the medical certificate of the complainant. Prima facie, the incident of assault has taken place and the complainant was injured in the assault. However, both the complainant and the applicant-accused are next door families. Akhilesh Dubey, the father of the applicant-accused, who was holding iron rod, was arrested and released on bail.

6. In view of the above, I am inclined to confirm the pre-arrest bail granted to the applicant-accused on 5.4.2016 with the same terms and conditions with a modification that the applicant-accused shall attend the

concerned police station on 24.4.2016 from 10am to 2pm and he shall not indulge into any criminal activity or any offence against human body.

7. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)