

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.657 OF 2016

Sachin Kashinath Chikane	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Ashok Kumar Dubey, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.

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

DATE: **12th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Section 395 of the Indian Penal Code in C.R. No. I-59 of 2016 registered with Shivaji Nagar police station, Ambernath, Dist. Thane. The offence is registered at the instance of one Nilesh Wahval on 9th March, 2016.

2. It is the case of the prosecution that the complainant is in the business of Cable. On 8th March, 2016 as usual he opened his office. It is the case of complainant that at around 8.15 p.m. when he along with his partner Sharad and other workers were present in the

office, suddenly eight persons arrived in a Innova car and entered his office. They were armed with wooden bamboos and gupti. The applicant/accused and his brother were also the members. The brother of the applicant/accused was armed with wooden bamboo. He inquired with the complainant about one Sunny Jadhav. Then they all assaulted the complainant, threatened him to withdraw the case which is filed by him against Abhijeet Shinde and Rupesh Salve and told him to stop his cable business.

3. The learned counsel for the applicant/accused submits that the applicant/accused is falsely implicated in this case. He is innocent. He submitted that in the first information report, the name of the applicant/accused is mentioned as brother of Sunil Chikne. He submitted that there is previous enmity between the complainant and brother of the applicant/accused. He submitted that though there are cases pending against the applicant/accused, he is acquitted in C.R. No. 42 of 2009. Hence, the application may be allowed.

4. The learned prosecutor while opposing the application submits that there are criminal antecedents against the

applicant/accused. Four criminal cases are pending against the applicant/accused. Hence, he is not to be granted protection.

5. Perused the first information report and injury certificate. It appears that the applicant/accused along with his associates entered the office of the complainant, threatened him and the brother of the applicant/accused assaulted the complainant on his head. There is theft of mobile. The injury mentioned in the certificate is simple in nature. Considering all the above circumstances, I am inclined to grant pre arrest bail to the applicant/accused on the following terms and conditions:

- a) The anticipatory bail application is allowed.
- b) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;
- c) The applicant shall not tamper with the evidence;
- d) The applicant shall not indulge in any other criminal activity hereinafter;
- e) The applicant shall not leave India without prior permission of the Court;

f) The applicant shall cooperate with the Investigating Officer and shall attend Shivaji Nagar police station, Ambernath on every Monday and Friday between 5.00 p.m. to 6.00 p.m. till 7th May, 2016.

6. Anticipatory bail application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)