

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO. 773 OF 2016
WITH
CRIMINAL APPLICATION NO.379 OF 2016**

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

Mr. Ashokkumar Dubey, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.
Mr. Mohd. U.Z. Kazi, for the original complainant.

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

DATE: **3rd MAY, 2016**

P.C.:

. Mr. S.D. Jadhav (A.P.I.), Shivaji Nagar police station, Mumbai to remain present before this Court at 11.00 a.m. without fail to explain why he made a false statement in the report dated 29th April, 2016 submitted by him to the office of Government Pleader that one criminal case No. T-136 of 2012 for the offence punishable under Sections 302, 307 and 395 of Indian Penal Code is pending against the applicant/accused.

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

3. It is the case of the complainant that he is dealing with cable and Internet business since last five years. He has given one complaint against Abhijeet Shinde and Ashok Shinde which is pending. On 8th March, 2016 in the morning eight persons who were equipped with stumps, gupti and choppers arrived in his office. He could recognize one person who is the present applicant/accused Sunil Chikane. He assaulted him on his head. The applicant/accused threatened him that he should withdraw the case filed by him against Abhijeet and Ashok Shinde and also close down his cable business. Then, they all assaulted him with fist and kicks and ran away.

4. The learned Counsel for the applicant/accused submits that the applicant/accused has not committed any offence. On 7th March, 2016 the applicant/accused has lodged N.C. against the

present complainant. Thus, there is enmity between two groups. He submitted that in this case the applicant/accused is falsely implicated. He submitted that the applicant was earlier prosecuted in one case No. T-136 of 2012 for the offence punishable under Sections 302, 307 and 395 of Indian Penal Code. However, he was tried and acquitted by the judgment dated 12th May, 2015 passed by the learned Additional Sessions Judge, Kalyan. As on today, there is no case pending against the applicant/accused.

5. The learned prosecutor as well as the learned counsel appearing for the complainant-intervener oppose the application. It is submitted that the applicant/accused was armed with weapon and they have entered the premises/office of the complainant and threatened him. The learned prosecutor relied on the injury certificate dated 8th March, 2010.

6. Perused the first information report, injury certificate and statements of the witnesses. It appears from the record that on 8th March, 2010 the incident of entering the office of complainant, giving threats and assault has taken place in the morning. There is previous

enmity between the two groups. The case against Abhijeet Shinde and Ashok Shinde was pending wherein the complainant is an informant. The injury certificate is on record. *Prima facie* the involvement of the applicant/accused is seen in a serious offence. Hence, I am not inclined to grant pre arrest bail to the applicant/accused.

7. Hence, the anticipatory bail application stands rejected. In view of this the criminal application does not survive and accordingly disposed of.

(MRIDULA BHATKAR, J.)