

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.797 OF 2016**

Shri Suraj @ Tony Devendra Gupta ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.R.P. Yadav for the Applicant

Mr.S.H. Yadav, APP, for Respondent – State

Mr.Rajkumar Khemji, PSI, Kurar Police Station – present

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

DATE: **MAY 3, 2016**

**P.C.:**

1. The applicant-accused is prosecuted for the offences punishable under sections 452, 326, 504, 506 r/w 34 of the Indian Penal Code and under sections 37(1)(A) and section 135 of the Mumbai Police Act. The offence is registered at C.R. No.101 of 2016 registered with Kurar police station at the instance of one Ramsing Dayaram Yadav.

2. The learned Counsel for the applicant submitted that though the name of the applicant-accused is mentioned in the FIR, he did not assault either the complainant or his brother. The role is attributed to the co-accused.

3. Although this is the first date, the Investigating Officer is present and learned Prosecutor has opposed the application.

4. Perused the FIR. The submissions made by the learned Counsel in respect of FIR and the role attributed to the applicant-accused are found correct. I have also gone through the statement of Mahindra Dayaram Yadav, brother of the complainant, which corroborates the FIR. He has also attributed a role of assault to co-accused Rahul, Raju and Sonu. No role is attributed to the applicant-accused. On enquiry, the learned Prosecutor confirmed that there are no antecedents against the applicant-accused and he is 19 years old. Earlier application was preferred before the Sessions Court where the Investigating Officer was present and application was rejected.

5. In the circumstances, I dispose of this application by granting pre-arrest bail to the applicant on the following terms:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday from 10am to 11am, till filing of chargesheet or two months whichever is earlier.
- iii) The applicant-accused shall not tamper with the evidence or

pressurise the complainant;

iv) The applicant-accused shall not indulge into any criminal activity;

v) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

vi) 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.

**(MRIDULA BHATKAR, J.)**