

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2 OF 2017

Shankar Kisan Kharat

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. K. S. Labana for the applicant.

Mr. Arfan Sait, APP for the respondent – State.

PSI S. K. shere, Central Police Station, Ulhasnagar present.

CORAM : PRAKASH D. NAIK, J.

DATE : 11 JULY, 2017

P.C. :

1. This is an application for anticipatory bail. The applicant is apprehending arrest in connection with C.R. No.I-506 of 2016 registered with Central Police Station, Ulhasnagar-3, Thane. The offence was registered under section 394 read with 34 of IPC.

2. The prosecution case is that the applicant and the co-accused were riding a motorcycle and had given a dash to the complainant and his friend. As a result of the said accident both the parties sustained injuries. It is alleged that the applicant gave a telephone call to his friends who came on the spot and assaulted the complainant and his associate. Hence, the FIR was registered.

3. Learned advocate for the applicant submits that the applicant

was pillion rider. He has not assaulted the injured persons. The motorcycle was handed over to another accused. Other accused were arrested and they were released on bail. Custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that the applicant is a person who gave call to his friends and trivial incident of accident was culminated into assault.

5. I have perused the documents. It is true that the allegations against the applicant are that he gave call to his friends who visited the spot and assaulted the complainant and his friends. The other accused who were attributed the role of assault had been released on bail. The applicant had attended the police station as directed earlier. Custodial interrogation of the applicant is, therefore, not necessary. Hence, this application can be allowed.

:: ORDER ::

- (i) In the event of the arrest of the applicant in connection with C.R. No.I-506 of 2016 registered with Central Police Station, Ulhasnagar-3, Thane, the applicant may be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand only.) with one or more sureties in the like amount.
- (ii) The applicant is directed to report to the concerned police station as and when is called for.

(iii) The applicant is directed not to tamper with the prosecution witnesses / evidence.

(iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]