

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 458 OF 2017

Krunal Balwant Rana.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Rishi Bhuta, advocate for Applicant.

Mr. R.M. Pethe, APP for State.

Mr. Awhad, PSI, Andheri Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 15, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 55 of 2017 registered at Andheri Police Station on

2/2/2017 for offence punishable under section 325, 326, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 1st February, 2017 Javed Inamdar, who works as driver of Farida Shaikh, lodged a report at the police station alleging therein that on that day Mrs. Farida had been to Spa and Salon and he was waiting in the car. That he had noticed one woman and two men abusing Farida Shaikh and therefore, he had attempted to rescue Farida Shaikh. He had given description of the clothes worn by the said unknown person. It is alleged that in the said altercation, the first informant was assaulted. He had sustained injuries. On the basis of his report, Crime No. 55 of 2017 was registered against the present applicant and others.

4 It is pertinent to note that the brother of the applicant had lodged report prior to registration of Crime No. 55 of 2017 in respect of the same incident and Crime No. 54 of 2017 was registered against Farida and others. It is a matter of record that there are cross-cases.

The first informant in both the cases are injured. The incident has taken place at the spur of the moment without there being any pre-meditation. Co-accused have been arrested and enlarged on bail. In the peculiar facts of the case, the applicant deserves pre-arrest bail.

5 The observations are prima facie and restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration while hearing application for quashing of FIR or discharge or at the time of trial.

6 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 55 of 2017 registered at Andheri Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more sureties in the like amount.

(iii) The applicant shall report to the concerned police station on 22nd and 23rd March, 2017 between 10.30 a.m. to 12 noon and cooperate with the investigating agency to the best of his capacity.

(iv) The applicant shall not tamper with the evidence.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)