

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 561 OF 2016

Ajit Kanti Chavariya	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Sahim D. Ansari,Advocate for the applicant.
Mrs.P.P.Shinde,APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 7th March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 30.12.2014 in Crime No.65 of 2014 registered at Antop Hill Police Station for the offences punishable under Sections 307, 387, 143, 144, 145, 147, 148 and 149 of the Indian Penal Code.

2. It is the case of the prosecution that on 14.3.2014, one Imtiyaz Kharadi lodged a report at the police station that on 13.3.2014 when he was passing on the road at Antop Hill area, two persons had given him a dash by the motorcycle. That in the past also one Pannalal Yadav had attempted to extort from the complainant. It is alleged that in the intervening night of 13th March 2014 and 14th March 2014, when Pannala was proceeding to

answer nature's call, he was again accosted by 5 – 6 – the associates of Pannala Yadav. Pannalal Yadav was also present with them. That they were armed with deadly weapons and had mounted assault upon the complainant. The investigation is completed and charge-sheet is filed.

3. It appears from the papers of investigation that the principal allegation against the present application is that he had caught hold of the complainant and had exhorted his associates to assault the complainant. The learned APP has filed an affidavit. The affidavit is taken on record.

4. The learned counsel for the applicant submits that the co-accused i.e. Rupesh Parulekar has been enlarged on bail by this Court (Coram: N.W.Sambre, J.) by order dated 15.11.2016. The learned APP submits that initially all the accused were being prosecuted with the aid of the provisions of MCOCA. The co-accused of the applicant have been discharged. Being aggrieved by the same, the State has filed an appeal which is pending before the Hon'ble Division Bench.

5. Perused the injury certificate of the complainant. The nature of injuries sustained by the complainant are simple in nature though they appear to be incised lacerated wounds. It is not the case of the prosecution that the applicant is the author of the said injuries. Taking into consideration the material collected in the course of investigation, the fact that the co-

accused with similar allegations has been enlarged on bail and the other co-accused have been discharged under the provisions of MCOCA, this Court is inclined to grant bail to the applicant.

6. The observations are restricted to an application under Section 439 of Cr.P.C. and the same shall not be taken into consideration for quashing application, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant is directed to be enlarged on bail on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or more local solvent sureties.
- (iii) The applicant shall report to the Antop Hill Police Station on first and third Sunday of each month.

Application stands disposed of .

(SMT. SADHANA S.JADHAV, J.)