

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

ANTICIPATORY BAIL APPLICATION NO.544 OF 2017

Dinesh Punjabi & Ors.

.... Applicants

versus

State of Maharashtra

... Respondent

.....

- Mr.Jaiwant S. Chandnani, Advocate for the Applicant.
- Mrs.P.P. Shinde, APP for the State/Respondent.

CORAM : A.S.GADKARI, J.
DATE : 13th APRIL, 2017.

P.C. :

1. The applicants are apprehending arrest in C.R.No.487/16 registered with Khar Police Station, Mumbai, under sections 452, 354, 323, 506, 427 r/w 34 of the Indian Penal Code.
2. The First Information Report is lodged by Smt.Jyoti Seth.
3. It is the allegation against the applicant that on 19/10/2016 at about 09.45 p.m. (21.45 hours) due to the property dispute, a scuffle took place between the applicants on
Nesarikar

one side and the complainant on the other side. It is alleged that in the said scuffle the applicant No.3 Divesh Dinesh Punjabi committed offence as contemplated u/s 354 of the Indian Penal Code. The complainant has fairly admitted in the complaint that the golden chain which was on her person, after search, was found at the spot.

4. I have perused the documents annexed with the application and also record of the investigation. After reading First Information Report, it is prima facie clear that offence u/s 354 of Cr.P.C. has occurred during the melee, which took place on 19/10/2016 and the applicant No.3 did not have intention to commit said offence.

5. After considering the peculiar facts of the present case, this Court is of the view that custodial interrogation of the applicant is not necessary. The application is allowed. The applicants have made out case for their release on pre-arrest bail.

Hence, the following order :

- (i) In the event of arrest in C.R.No.487/16 registered with Khar Police Station, Mumbai, the applicants

shall be released on bail on their furnishing PR Bond of Rs.15,000/- each with one or two separate local sureties in the like amount.

(ii) The applicants shall not tamper with evidence and/or influence the prosecution witnesses.

6. The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)