

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1284 OF 2017

Ganesh Velu Devendra .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Jeetendra Ranawat i/b. Ms. Nargis P. M. Ahmed, Advocate, for the
Applicant

Ms A. Malhotra, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2017

P.C.

. Heard learned counsel for the parties..

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.114 of 2017 registered with the Wadala T. T. Police Station, for the alleged offences punishable under Sections 387, 324, 504, 143, 144, 145, 184, 149, 323 of the Indian Penal Code and under Sections 37(1) & 135 of the Bombay Police Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case, as the Applicant's

sister, had lodged a complaint with the Municipal Corporation, as against the Applicant's illegal Paan shop. He submits that as a counter blast to the said complaint made on 17.12.2016 by the Applicant's sister, the Applicant has been falsely implicated in the said case. He submits that it is alleged by the Complainant, that the Applicant demanded an amount of Rs.3,000/- from him and even assaulted him with fist and kick blows. According to the Complainant, when his wife intervened, she too was assaulted. He submits that although, the incident had taken place on 06.03.2017, outside the police station, no complaint was lodged by the Complainant promptly, and that the aforesaid complaint was lodged only on 18.03.2017 i. e. after 12 days. He submits that the Applicant has no antecedents.

4. Learned APP has tendered the Injury Certificate of Sabina – wife of the Complainant. The injuries sustained by Sabina are simple in nature i. e. abrasion on forehead. The Injury Certificate of the Complainant has not been placed on record, as it appears that he had not sustained any injuries.

5. Perused the paper. It appears that on 17.12.2016, the Applicant's sister had lodged a complaint with the Municipal

Corporation, with regard to the illegal paan shop, being run by the Complainant. It appears, that all the eye witnesses to the alleged incident of assault are hawkers, of the said area. Though the incident is of 06.03.2016, the complaint was lodged only on 18.03.2017. The Medical Certificate of the Complainant has not been placed on record. The injuries sustained by the Complainant's wife – Sabina are simple in nature. The Applicant has no antecedents.

6. Considering the aforesaid, continued detention of the Applicant is not necessary. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **on every Saturday** between **10.00 a.m. to 12.00 noon** till the filing of the charge-sheet or for a period of three months whichever is earlier.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)