

Amk

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

ANTICIPATORY BAIL APPLICATION NO. 1356 OF 2016

Kamala w/o Vimal Jagat Narayan Singh & Ors. .. Applicants
Vs.
The Sr. Inspector of Police & Anr. .. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1412 OF 2016**

Pradeep J. Singh & Anr. .. Applicants
Vs.
The State of Maharashtra .. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1413 OF 2016**

Priyanka Pradeep Singh & Ors. .. Applicants
Vs.
The State of Maharashtra .. Respondent

Mr. V. S. Pandey i/b Mr. S. V. Pandey for the Applicants in ABA 1356/16.
Mr. Samarth S. Karmarkar for the Applicants in ABA 1412/16 and 1413/16.
Ms. Veera Shinde, APP for the Respondent-State in ABA 1356/16.
Ms. Jyoti S. Lohokare, APP for the Respondent-State in ABA 1412/16 and 1413/16.

**CORAM : A.S. GADKARI, J.
DATE : 4th APRIL, 2017.**

P. C. :

1. The applicants in Criminal Application No. 1412/16 and 1413/16 are apprehending the arrest in C. R. No. 571 of 2015 registered with Oshiwara Police Station, Mumbai under Sections 326, 323, 504, 354(B), 141, 143, 147, 149 of the Indian Penal Code. The applicants in Criminal Application No. 1356 of 2016 are apprehending arrest in C. R. No. 570 of 2015 registered with Oshiwara Police Station, Mumbai.

2. The First Information Report in C. R. No. 571 of 2015 is lodged by Shri Aashish Sunil Singh and First Information Report in C. R. No. 570 of 2015 is lodged by Ms. Priyanka Pradeep Singh. The applicants in Anticipatory Bail Application Nos. 1412 of 2016 and 1413 of 2016 are one hand and Anticipatory Bail Application No. 1356 of 2016 on other hand are inter-related.

3. The record reveals that on 28.12.2015 at about 9.30 a.m. initially a quarrel took place between the said two groups which resulted into scuffle and a free fight thereafter. In the said melee, the applicants in Anticipatory Bail Application No. 1412 of 2016, namely, Pradeep Singh and Akshay Singh assaulted Aashish Singh with wooden bat and iron rod respectively. The allegations against other applicants in Anticipatory Bail Application No. 1413 of 2016 is that though they have participated in the said melee, the role attributed to them is that they abused the complainant Aashish Singh and his family members. The papers of investigation would reveal that the version narrated by the first informant Shri Aashish Singh that he was assaulted by Pradeep Singh and Akshay Singh with wooden bat and iron rod respectively is duly corroborated by the medical papers seized by the police during the course of investigation. The Medical Certificate issued in favour of Aashish Singh by the R. N. Cooper Municipal Hospital mentions that there is a fracture to the second lumbar vertebra and the said injury has been mentioned as grievous injury. All injuries suffered by the other family members of Aashish Singh are simple in nature.

4. As far as the applicants in Anticipatory Bail Application No. 1356 of 2016 are concerned, in the FIR lodged by Ms. Priyanka Pradeep Singh it is stated that all the applicants initially started quarreling on some flimsy grounds with the family members of Ms. Priyanka which ensued in a free fight. In the said melee, applicant No.8 Aashish Singh gave a fist blow on the nose of Ms. Priyanka. That Aashish Singh was having ring in his finger and when he hit on the nose of Priyanka with same, she sustained injury on her nose. The Medical Certificate issued in favour of Ms. Priyanka mentions that she suffered friction abrasion and it caused displaced nasal bone with a simple fracture. The role attributed to the other applicants by Ms. Priyanka in the report and by the other witnesses is general in nature. It appears that apart from Priyanka, nobody from the family of Priyanka suffered any serious injuries.

5. In view of the above, the custodial interrogation of the applicants in Anticipatory Bail Application No. 1412 of 2016, namely, Pradeep Singh and Akshay Singh and applicant No.8, Aashish Singh in Anticipatory Bail Application No. 1356 of 2016 is necessary for recovery of the weapons and for further investigation in the crime. As far as the other applicants are concerned as stated earlier, general and common role has been attributed to the all other accused in the said crime and their custodial interrogation in the present crime is not necessary and they can be released on pre-arrest bail.

6. Hence the following order:

(i) Anticipatory Bail Application No. 1412 of 2016 preferred by the applicants Pradeep Singh and Akshay Singh is hereby rejected.

(ii) Anticipatory Bail Application No. 1413 of 2016 is allowed.

(iii) As far as Anticipatory Bail Application No. 1356 of 2016 is concerned, application of applicant No.8 Aashish Singh is rejected and other applicants are granted pre-arrest bail on the following terms.

(a) In the event of arrest of applicants in Anticipatory Bail Application No. 1413 of 2016 and applicant Nos.1 to 7 and 9 in Anticipatory Bail Application No. 1356 of 2016 shall be released on bail in C. R. Nos. 571 of 2015 and 570 of 2015 respectively on their furnishing P.R. Bond of Rs.10,000/- each with one or two separate local sureties in the like amount.

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

(c) The applications are allowed in the aforesaid terms.

[A. S. GADKARI, J.]