

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1614 OF 2016

Anand @ Anil Ashok Kale @ Aanya ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Pawan Mali i/b. Mr. Runal V. Watulkar, Advocate for the applicant.
Mrs. Veera Shinde, APP, for the State.
Mr. Nanekar, PSI, Byculla Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 20th January, 2017.

P.C.

Heard. This is an application under section 439 of Cr.P.C. The applicant herein is arrested on 29.6.2015 in Crime No.255 of 2015 registered at Byculla Police Station on 29.6.2015. The investigation is completed and charge sheet is filed.

2. It is the case of the prosecution that on 28.6.2015, the complainant and his friend Mahesh Vishwakarma were together on the motorcycle. When they had reached near Municipal Dispensary, Maratha Compound, the applicant herein along with co-accused Vijay had accosted them, abused them and threatened them of dire consequences in the eventuality that they would not withdraw the criminal case lodged against them in the past. It appears that there was some verbal altercation between the complainant and Mahesh on one side and the present applicant and Vijay on

the other side. It is alleged that at that time the present applicant had assaulted the complainant with a chopper. On the basis of the said report, Crime No.255 of 2015 was registered.

3. Perused the injury certificate of the complainant – Sushant Ghodekar. The certificate is issued by J.J.Group of Hospitals, Mumbai. The complainant had sustained four contused lacerated wounds on cheek, forearm and little finger. The nature of the injuries is not mentioned in the certificate. Taking into consideration the fact that the applicant has been in custody for almost 16 months and the investigation is completed and charge sheet is filed, the applicant deserves to be enlarged on bail. It appears from the records that the complainant had filed an affidavit before the Sessions Court contending therein that he had inadvertently named Vijay as one of the accused. Hence, Vijay was granted pre-arrest bail.

4. The learned APP, upon instructions, submits that after having been granted pre-arrest bail, Vijay has died a homicidal death in another case.

5. Be that as it may, as on today, the applicant deserves to be enlarged on bail.

ORDER

(i) The application is allowed.

- (ii) The applicant be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- and one or more local solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on first and third Sunday of each month for a period of six months.
- (iv) The applicant shall not reside at Byculla till framing of the charge.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)