

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2072 OF 2016

Rupesh Ashok Jadhav.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Ms. Anushka A. Shreshtha, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

Mr. U.D. Rokade, PSI Kalachowki Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 17, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and learned APP for State.

2 The applicant herein is apprehending his arrest in Crime No. 257 of 2016 registered at Kalachowki Police station for offence punishable under section 324, 365, 323, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 18/11/2016 Gajendra Adhikari has lodged a report at the police station alleging therein that on 17/11/2016 when he was passing through Siddhivinayak Mitramandal, some person who were on motor cycle, had pointed towards him and came near him and thereafter he was assaulted brutally. He was taken to Lalbaug Dialysis center and there also he was assaulted. According to him, he could only identify the present applicant as one of assailant. On the basis of the said report, Crime No. 257/16 is registered.

2 Upon perusal of the papers of investigation, it appears that at the same time one Vikarant Kadam had lodged a report at the police station alleging therein that the complainant Gajendra Adhikari was under the influence of alcohol and was abusing passersby and also threatening the passersby. The complainant Vikrant Kadam had objected to the same and at that time, he was assaulted by Gajendra Adhikari. It appears from the record that the applicant belongs to a

political party. That in fact, the complainant had raised a brawl. At the relevant time a police van was passing by. The police had intervened and had taken the complainant and Vikrant Kadam and other other person to the police station. Non-cognizable case was registered as N.C. No. 1736 of 2016 and only to give a go-by to the said report, the complainant has initiated prosecution on 18/11/2016.

3 Learned APP upon instructions submits that there are no criminal antecedents.

4 Taking into consideration the material collected in the course of investigation and the submission advanced across the bar, this Court is of the opinion that the applicant deserves to be granted pre-arrest bail.

5 The observations are prima facie and restricted to the application under section 438 of the Code of Criminal Procedure,

1973 and the same shall not be considered while deciding the application for quashing or discharge or at the time of trial.

6 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 257 of 2016 registered with Kalachowki Police Station, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned police station from 22/3/2017 to 25/3/2017 between 10.30 p.m. to 1 p.m. and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicant shall not tamper with the evidence.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)