

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

ANTICIPATORY BAIL APPLICATION NO. 2070 OF 2018

Christin Alexander Peter	... Applicant
Vs.	
State of Maharashtra	... Respondent
...	
Ms. Roshni J. Singh for the applicant.	
Mr. A.R. Kapadnis, APP for the Respondent-State.	
...	

**CORAM : PRAKASH D. NAIK, J.
DATE : 6th OCTOBER, 2018.**

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 341 of 2018 registered with Bhandup Police Station for the offences punishable under Sections 326, 323, 504, 506 read with 34 of Indian Penal Code.
2. It is alleged that four unknown persons had consumed alcohol and under the influence of alcohol they were abusing each other in filthy language. One of them pushed motor-cycle which was parked at the said place. Owner of the motor-cycle confronted them. One of them assaulted the owner of motor-cycle. The complainant is Chinese Bhel vendor. One of his customer tried to intervene, however, he was assaulted. The

complainant also tried to rescue his customer and at that time one of the accused had picked paver block and hit on the complainant's head. One of the accused was apprehended at the spot. During the course of investigation the involvement of other accused was disclosed.

3. It is submitted that the only role attributed to the applicant that he has pushed the motor-cycle, he did not participate in the assault.

4. Learned APP submitted that all the accused were under the influence of liquor and they had created ruckus at the place of incident. The injured was assaulted by paver block which has resulted in seven stitches on the head of the injured. It is submitted that one of accused is absconded.

5. Application preferred by the applicant before the Sessions Court has been rejected on 4th October, 2018. The person who was attributed the role of assault by paver block is arrested. Applicant has been assigned the role of pushing the motor-cycle and was present at the scene of offence and also assaulted witnesses by fist and kick blows. All of them were together, it appears that one of the accused had picked up the paver block lying at the spot and assaulted injured. Considering the role

assigned to the applicant and considering that the offences other than offence under Section 326 are bailable in nature, custodial interrogation of the applicant is not necessary. Thus, the applicant has made out the case for anticipatory bail. Hence, I pass the following order.

ORDER

- i) In the event of arrest of applicant in connection with CR No. 341 of 2018 registered with Bhandup Police Station, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The applicant shall attend the investigation officer of concerned police station once in a week on Friday between 10.00 a.m. to 12 noon till filing of chargesheet;
- iii) The applicant shall not tamper with the evidence and/or influence the prosecution witness;
- iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.10.11
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