

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2454 OF 2018

Prabhuta Shyam Narayan Singh,
Age 45 years, R/o.Upadhyay Chawl,
Vakola Bridge, Datt Mandir Road,
Santacruz (East), Mumbai-400 055.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ashok M. Sarogi for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.S.D.Patil, PSI, Santacruz Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd December 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.407 of 2016 registered with Santacruz Police Station for offences under Sections 332, 353, 34 of Indian Penal Code and under Section 7 of Criminal Law Amendment Act.

2. The prosecution case is that on 8th August 2016 the complainant was discharging his duty of controlling the traffic at Milan Subway junction. On account of wrong parking, the complainant had questioned the inmates of the vehicle. Three unknown persons were sitting in the said car. They got down from the vehicle and assaulted the complainant. Two persons were arrested on 15th August 2016 and granted bail on the next day i.e. 16th August 2016. On completing the investigation charge sheet was filed. In the said charge sheet, column no.12 indicates about

particulars of accused not charge sheeted (suspect) and the name of applicant is reflected as suspect.

3. The applicant's contention is that he has been falsely implicated in this case. He was never sought to be arrested from 2016. His name is being shown as suspect. There is discrepancy in the identification. The arrested accused were identified at the police station. Apparently photographs of the arrested accused were shown to the witnesses who had named them. The applicant's name also appeared in the similar circumstance. There is nothing to indicate that the applicant was absconding and not available for the purpose of investigation. The charge sheet filed against the co-accused did not indicate that the applicant was absconding. The FIR was lodged in 2016 and it is not clear as to why custody of the applicant is being sought after a gap of two years.

4. Learned APP, however, submits that there are two cases registered against the applicant. Considering the nature of allegations and in the aforesaid circumstances, case for custodial interrogation is not made out. The co-accused were arrested and granted bail on next day. The charge sheet is already filed. Hence, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

(i) In the event of arrest of applicant in connection with CR No.407 of 2016 registered with Santacruz Police Station, Mumbai, the applicant be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more local sureties in the like amount;

(ii) The applicant shall attend the investigating officer of Santacruz Police Station as and when called for till filing of charge sheet;

(iii) Criminal Anticipatory Bail Application No.2454 of 2018 stands disposed off.

(PRAKASH D. NAIK, J.)

MST