

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

ANTICIPATORY BAIL APPLICATION NO. 509 OF 2019

Siddhesh Rupesh Lihe	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Sachin Chandan for the Applicant.
- Mr.R.M. Pethe, APP for the Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2019.

P.C. :

1] This is an application for anticipatory bail in connection with C.R. No.I-25 of 2019 registered with Mahatma Phule Chauk Police Station for the offence punishable under Sections 353, 332 read with 34 of the Indian Penal Code. The FIR was lodged on 15th January, 2019.

2] The case of the prosecution is that the complainant is a police constable. On 15th January, 2019, he had visited the premises to make inquiries about the person residing therein against whom the warrant was to be executed. It is alleged that the complainant had knocked the door of one of the occupant. Door was opened by one lady

and she had disclosed that she is the wife of the person against whom the inquiry is being made and that he is not available. Thereafter, one of the accused questioned the complainant as to why he is knocking at the door of the lady who is alone in the premises. The complainant informed him that he is a police constable attached to the aforesaid police station. However, the said person started assaulting the complainant. Subsequently, other persons arrived at the place of incident and two other being instigated to assault the complainant. It is alleged that the accused have assaulted the complainant. The names of the persons were disclosed to the complainant and the other constables who were bit-marshal. The FIR was registered.

3] The other accused were arrested and the arrested accused were granted bail by the concerned police station. The Applicant and his brother had prepared an application for anticipatory bail before the Sessions Court. However, the relief was not granted to the Applicant and the application of his brother was allowed. Apparently, the brother of the applicant appears to be juvenile.

4] Learned counsel for the Applicant submits that the Applicant is 18 years old boy. He is a student of private institution viz. NIIT and he was supposed to appear for examination today. It was

further submitted that the arrested accused was assaulted by the police in custody and on the complaint to the concerned Court, the medical examination was conducted. It is further submitted that there are no criminal antecedents against the Applicant and his custodial interrogation is not necessary. It is submitted that grand-mother of the Applicant had lodged the complaint before the Court alleging that the complainant was under influence of liquor and that he had assaulted her son and the Applicant.

5] Learned APP submits that there is evidence against the Applicant. He is involved in the assault. The complainant had sustained injuries. It is further submitted that the injury sustained by the co-accused was minor abrasion and the other injury is old. It is submitted that the Applicant has assaulted the police constable who was on duty and the relief may not be granted to the Applicant.

6] The Applicant, his brother, uncle and his father were alleged to have been involved in the incident of assault. The father of the Applicant was arrested and granted bail. The brother of the Applicant was granted anticipatory bail. The uncle of the Applicant was also arrested and he was granted bail. Apparently, it appears that the Applicant is one of the person who had allegedly participated in

assaulting the complainant. Complainant had sustained simple injuries. The accused who was arrested had minor abrasion on his forearms. The Applicant is a young boy aged about 18 years. There are no criminal antecedents against him. With a view to give an opportunity to reform and considering that he is a student, the relief can be granted to the Applicant.

7] Hence, I pass following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.509 of 2019 is allowed.
- (ii) In the event of arrest of the Applicant in C.R. No. I-25 of 2019 registered with Mahatma Phule Chauk Police Station, the Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.
- (iii) The Applicant shall report to the Investigating Officer once in a week i.e. on Sunday between 11.00 am to 01.00 pm till filing of the Charge-sheet.
- (iv) The Application is disposed of.

[PRAKASH D. NAIK, J.]