

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 679 OF 2019

Tailendra Harischandra Chavan

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. Viral Rathod, for the Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 19th March 2019.

P.C.:

1] The applicant is apprehending arrest in CR No.58 of 2019 dated 18th February 2019 registered with Nirmal Nagar Police Station, Mumbai under Sections 326, 323, 427, 504, 506 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Jakkir Akhtar Hussein. It is the prosecution case that, on 18.2.2019 at about 00.45 a.m., the co-accused initially demanded ransom from the first informant for permitting him to carry out his business of scrap material. The first informant refused

to accede to the said demand and therefore, altercations took place. It is alleged that, at that time principal accused Prasad Vaidya assaulted the first informant with a stone at his right foot and the applicant assaulted the first informant with fist and kick blows on his face.

4] A bare perusal of the record would indicate that, in the alleged assault committed by the applicant, the informant had sustained nasal bleeding with swelling. The medical certificate would prima facie indicate that, as far as application of section 326 of the Indian Penal Code is concerned, it is difficult to accept it to the present crime.

5] In view thereof, the applicant can be protected by pre-arrest bail:-

Hence, the following Order:-

(i) In the event of arrest in CR No.58 of 2019 registered with Nirmal Nagar Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount;

(ii) Applicant shall attend the Investigating Officer on 27th, 28th and 29th days of March 2019 between 11.00 a.m. to 1.00 p.m. and to join the process of investigation;

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)