

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 788 OF 2019

Sukhpreet Singh Ghatauda	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.S.R. Phanse for Applicant.
Mr.Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 3rd April 2019.

P.C. :

- 1] The applicant is apprehending arrest in connection with C.R. No.I-89 of 2019 dated 21/03/2019 registered with Vartak Nagar Police Station, District Thane, for the offence punishable under Section 323, 324, 504, 506(2) read with 34 of the Indian Penal Code.
- 2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The first information report is lodged by Mr.Pranay Tolsthan.

It is the prosecution case that the informant had been to the hotel of the applicant situated at Yeur, Thane. That at about 3 am of 17th March 2019, the waiter gave bill for the services provided to the informant. The informant raised dispute over improper charging of two Bisleri Water Bottles and started quarreling with the concerned waiter and the applicant. It is alleged that the said quarrel ensued in a scuffle and in the said scuffle, the co-accused Lokendra, a waiter of the hotel, assaulted the informant with a stick. The informant thereafter left the said place and took medical treatment on 18th March 2019 at Chatrapati Shivaji Hospital, Kalwa, Thane and thereafter, the present crime is registered on 21st March 2019.

Prima-facie, it appears that, no role is attributed to the applicant in the present crime. The applicant is partner of Mr.Mayuresh Vishnu Gadkar in the said hotel.

4] Perusal of the first information report and other record *prima-facie* indicates that, for the offence alleged against the applicant the custodial interrogation is not necessary. It further *prima-facie* appears that, the informant has lodged the present crime with a view to

absolve himself from the liability of making payment to the applicant for the food and other beverages he consumed and there is an unexplained delay of four days in lodging the present crime.

The accused, namely, Mayuresh Vishnu Gadkar, has been granted pre-arrestt bail by this Court by its order dated 29th March 2019.

5] In view of the above, the applicant can be protected by pre-arrest bail.

Hence, following order :-

- (i) In the event of arrest in C.R. No.I-89 of 2019 dated 21/03/2019 registered with Vartak Nagar Police Station, District Thane, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.15,000/-, with one or two local sureties in the like amount.
- (ii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iii) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]