

Vidya Amin.

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

ANTICIPATORY BAIL APPLICATION NO. 1206 OF 2019

Ramesh Chandrapal Chauhan ... Applicant

VS.

The State of Maharashtra ... Respondent

Mr. S.R. Samel a/w. P.K. Sanghrajka i/b. Rajeev Sawant & Associates, Advocate for the applicant.

Mr. A.A. Palkar, APP for the respondent/State.

CORAM: REVATI MOHITE DERE, J.

DATED: 6th June, 2019

P.C. :

Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-153 of 2018 registered with the Wagle Estate Police Station, Thane, for the alleged offences punishable under Sections 307, 326, 504 and 506 r/w. 34 of Indian Penal Code

3. Perused the papers. According to the complainant-Rakesh Zanzot, the incident took place on 10th August, 2018. According to the prosecution, the complainant was sitting with his friends Amit Chavan and Suresh Chavan (co-accused), drinking liquor and was

chitchatting with them about marriage of the children, when suddenly co-accused Amit Chavan and Suresh Chavan got enraged and threatened the complainant and abused him. The complainant has alleged that after sometime at about 11.30 p.m., the applicant came to his house with Amit, Suresh and Arjun and started abusing and threatening him. The applicant is alleged to have pulled the complainant out of the house and assaulted him. It is further alleged that when the complainant's son came to rescue him, he too was assaulted by a knife by co-accused - Amit.

4. With respect to the same incident, i.e., 10th August, 2018, there is a cross FIR/complaint lodged by the applicant's son Amit, which was registered vide C.R. No. 150 of 2018 with the same police station, i.e., Wagle Estate Police Station for the alleged offences punishable under section 326 etc.

5. Admittedly, the applicant is not the person who has assaulted the complainant's son-Kunal. According to the prosecution, it was co-accused Amit who assaulted the complainant's son with a knife. No specific overt act has been attributed to the applicant.

6. Considering the aforesaid, the Application is allowed and the applicant is granted pre-arrest bail, on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount.
- (ii) The applicant shall report to the concerned police station on 13th, 14th and 15th June, 2019 from 10.00 a.m. to 12.00 noon.
- (iii) The applicant shall inform his latest addresses and mobile contact number and/or change of residence or mobile details, if any, from time to time, to the concerned Police station, in writing.
- (iv) The applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (v) The applicant shall cooperate in the conduct of the trial.

7. The Application is disposed of on above terms.
8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)