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

ANTICIPATORY BAIL APPLICATION NO.1680 OF 2019

Amol Shailendra Singh ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms.M.A.Ingale, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

Ms.Ankita Chatterjee i/b Mr.Rizwan Siddiquee, for the Original Complainant.

P.I. - A.E.Kaldate, Kasarvadavli Police Station, Thane City, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.I-165 of 2019 registered with the Kasarvadavli Police Station, Thane, for the alleged offences punishable under Sections 326, 143, 147, 148, 149 and 427 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the applicant is in no way concerned with the dispute between Rohit Gupta (Khandelwal) on one hand and Randhir Singh and Vinay on the other. She submitted that the applicant was called to the spot, where the incident took place to resolve the dispute amicably between the parties. She submitted that the applicant was not involved in the assault that took place on 19th June, 2019 on the crew shooting for 'Fixer' a web series.

4. Learned APP opposed the bail application. He submitted that in the aforesaid incident, four persons sustained injuries and out of them one person i.e. Jayant Pednekar, sustained a Tibial spine fracture. He submitted that the applicant is amongst one of the unknown persons mentioned in the FIR lodged by Impal Ahuja. He submitted that the name of the applicant transpired during the investigation and that co-accused – Rashmiranjan @Sonu Das has stated that at the behest of Rohit, all the co-accused assaulted the crew shooting the web series 'Fixer' and also damaged the vanity van with bamboo sticks.

5. Perused the papers. According to the complainant - Impal

Ahuja, they were shooting for a web series by the name 'Fixer'. The complainant has stated that the site for shooting was fixed at Vinayak Marine Petro. Ltd., Gaimukh, G.B. Road, Thane and that the said site was shown to them by Randhir Singh and Vinay. The complainant has stated that when they were shooting on 19th June, 2019, at about 4.30 p.m., one Rohit Khandelwal, Krushna Sonar, Sonu and two others (names unknown) came to the spot and said “ये विनायक ने दिए हुए लोकेशन की शूटींग है ना”. The complainant has alleged that the accused for no reason started assaulting them with wooden sticks as well as damaged the vanity van, which was parked at the spot. Pursuant thereto, the complainant lodged the aforesaid complaint as against Rohit, Krushna, Sonu and two other unknown persons. During the course of investigation, the name of the applicant was disclosed as being one of the unknown persons.

6. Learned APP has produced the photographs of the damaged vehicle as well as the injuries caused to the crew members. The injury certificate of Jayant Pednekar shows that he suffered three injuries viz., post-traumatic right knee effusion, with complete ACL (Anterior cruciate ligament) rupture and tibial spine fracture. The doctor had advised the said

injured bracing, medication and strict bed rest for six weeks. The injury certificate of Santosh Tundal shows that he has sustained a CLW injury on his left forehead and that he has received six to seven stitches. The history given by the said witness is that he and his team were hit by wooden sticks by some goons. The injury certificate of Udit Khurana shows that he has sustained a blunt trauma over right elbow, back pain, supra-scapular pain with redness. The history given by the said witness is assault by some goons. The injury certificate of Soham Shah shows that he was assaulted by unknown persons and complained of pain in Left shoulder, blunt trauma with black out. The said patient was advised X-ray of cervical spine and left shoulder and C.T. scan of the brain. It *prima facie* appears that the assault on the crew members was unprovoked.

7. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant.

8. Accordingly, the Application for pre-arrest bail is rejected and disposed of as such.

9. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.