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

ANTICIPATORY BAIL APPLICATION NO.2068 OF 2019

Shantabai Karandekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.R.Pawar, for the Applicant.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent - State.

API – Vivek Dabholkar, Rabale MIDC Police Station, Navi Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th SEPTEMBER, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seek pre-arrest bail in connection with C.R. No.I - 22 of 2019 registered with the Rabale MIDC Police Station, for the alleged offences punishable under Sections 324, 307, 387, 427, 143, 147, 148 and 149 of the Indian Penal Code.
3. Perused the papers. According to the prosecution, the incident

took place on 03.02.2019. It is alleged by the Complainant – Vinaykumar Gupta, that he was in his shop at about 6.15 p. m., when Mangesh came to his shop and asked him for money to purchase alcohol. It is alleged by the Complainant that he told Mangesh that he had no money, pursuant to which Mangesh got annoyed and left the spot. According to the Complainant, at about 6.45 p. m., Mangesh came to his shop alongwith his father, one Suresh and an unknown person. It is alleged that Mangesh who was armed with steel pipe asked the Complainant to come outside his shop. It is alleged that all the accused persons verbally abused the Complainant in a foul language and thereafter, started assaulting him. Mangesh is alleged to have assaulted the Complainant on his head with a steel pipe. A perusal of the Injury Certificate shows that the Complainant – Vinaykumar Gupta has received five injuries i. e. an injury on the right parietal region, right eyebrow, nasal bridge and abrasion on chest and neck. All the said injuries are stated to be simple injuries. It appears that with respect to the said incident, there is a cross case filed from the applicant's side, which was registered vide C. R. No. 25 of 2019, with the same police station. In the said incident, Mangesh is also stated to have sustained an injury on his left foot (simple injury). As far as the applicant is concerned, she was not named in the FIR by the complainant. It is only in the supplementary statement, which was recorded after 2 months, that the

applicant's name has been disclosed. In the said supplementary statement, the applicant, a lady, is alleged to have abused the complainant and encouraged her son – Mangesh to assault the complainant.

4. In the facts, custodial interrogation of the applicant is not warranted. The application is accordingly 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 executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 30th September, 2019 and 1st October, 2019, between 10.00 a.m. to 12.00 noon, and thereafter as and when called;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

(iv) The applicant shall co-operate with the Investigating Agency.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.
6. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.