

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2319 OF 2019

Ram Topandas Amlani ...Applicant

V/s.

The State of MaharashtraRespondent

ANTICIPATORY BAIL APPLICATION NO. 2320 OF 2019

ALONGWITH

INTERVENTION APPLICATION NO. 1 OF 2019

Prakash Bhagatram Ochani ...Applicant

V/s.

The State of MaharashtraRespondent

Mr. Lalla i/by. Lalla & Lalla, Advocate for the applicant/intervenor in I.A. No.1-2019.

Mr. Sanjeev Kadam i/by. Ms. Vilasini Balasubramanian, Advocate for the applicant in ABA-2319-2019 and ABA-2320-2019.

PSI, Ms. Pallavi Jadhav, Lokmanya Tilak Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 20th November, 2019.

P.C. :

1. The applicants in Anticipatory Bail Application 2319 of 2019 and Anticipatory Bail Application No. 2320 of 2019 are seeking pre-arrest bail in connection with C.R. No. 293 of 2019 registered with L.T. Marg Police Station, Mumbai for the offences punishable under Sections 452, 324, 323, 504, 506(2) read with Section 34 of the Indian Penal Code.

2. Heard Mr. Sanjeev Kadam, learned Counsel for the applicants and learned APP for the State and Mr. Lalla for the complainant.

3. Complainant and the applicants are traders. It is alleged that, on 26th September, 2019 applicants committed house trespass with intent to

commit or cause assault on the complainant.

4. Complainant alleged Ram (applicant) in Anticipatory Bail Application No. 2319 of 2019, assaulted him on the head by a electric charger and caused injury on vital part of the body.

4. Mr. Kadam, the learned Counsel for the applicant submits that, the charge under Section 452 i.e. house trespass after preparation for assault, of the Indian Penal Code, has been wrongly applied. He submits, the injuries sustained by the complainant were simple, in nature. He submits, except the offence under Section 452 of the Indian Penal Code, other offences are bailable. He submits applicants shall co-operate in the investigation. He submits, applicants shall always be available for trial. He seeks bail on these grounds.

5. Learned APP and Mr. Lalla, learned Counsel for the complainant, have placed on record,

photographs of the incident captured on the CCTV installed in the office of the complainant. These photographs corroborate the accusation. The injuries were caused on head of the complainant, as is evident from the photographs, placed on record.

6. No role is attributed to Prakash (applicant in ABA-2320 of 2019).

7. The investigation is in progress. In view of the nature of accusation, the role attributed to Ram, Anticipatory Bail Application No. 2319 of 2019 is rejected.

8. Anticipatory Bail Application No. 2320 of 2019 is granted.

9. Hence, the following order :

ORDER

(i) The Anticipatory Bail Application No. 2320 of 2019 is allowed.

(ii) In the event of the arrest of the applicant in C.R. No. 293 of 2019 registered with L.T. Marg Police Station, Mumbai he shall be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like amount.

(iii) He shall furnish the correct address to the Investigating Officer on/or before 25th November, 2019.

(iv) The applicant shall also furnish the particulars of his latest place residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned within seven days from today;

(v) *The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.*

(vi) *The applicant shall attend the Police Station concerned as and when called.*

10. Applications are disposed off in above terms.

(SANDEEP K. SHINDE, J.)