

Neeta S.
Sawant

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 1034 / 2020

Sunil Baban Shelke & Anr.

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

Dr. Samarth S. Karmarkar i/by Karmarkar & Associates, Advocate
for the Applicant.

Ms. Sharmila Kaushik, Advocate for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 22nd December 2020.

P.C. :-

Heard.

1. Apprehending the arrest in connection with the Crime No.22/2020 registered with Turbhe Police Station for the alleged offences punishable under Sections 323, 353, 504, 506 r/w 34 of the Indian Penal Code, 1860, applicants are seeking pre-arrest bail.

2. Primary evaluation of the F.I.R. does not suggest that the applicants used criminal force and/ or assaulted the public servant (bus driver) to deter him from discharging his duties. Though alleged that applicants assaulted the bus driver and therefore, the bus driver had been to hospital of Municipal Corporation, but there is no reference to the injuries in the order passed by the learned Additional Sessions Court, while declining pre-arrest bail to the applicants. Additionally, there are no criminal antecedents against the applicants and subject crime is outcome of quarrel, between the two motorist leading to a spat between them.

3. Thus, in consideration of the facts and keeping in mind, the accusations made against the applicants, in my view, their custodial interrogation is not required to further the investigation. Application is allowed. Hence the following order.

ORDER

(i) In the event of arrest of the applicants in Crime No.22/2020 registered with Turbhe Police Station, they shall be released on bail on executing P.R. Bond in the sum of Rs.10,000/- each with one or more sureties in the like amount;

(ii) The applicants shall furnish their residential address as well as permanent address and contact details to the investigating officer forthwith;

(iii) The applicants shall mark their presence to the concerned police station, once in the fortnight i.e. on 28th December, 2020 and thereafter on 12th, 27th January, 2021 between 11:00 am. to 01:00 pm.;

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

4. Application is allowed and disposed of accordingly.

5. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)