

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION (STAMP) NO.7226 OF 2020
IN
C.R.NO. 601 OF 2020**

SAMEER CHANDRAKANT JADHAV)...APPLICANT

V/s.

**THE STATE OF MAHARASHTRA)
(At the instance of Parksite Police Station))...RESPONDENT**

Mr.R.V.Gupta, Advocate for the Applicant.

Mr.P.H.Gaikwad, APP for the Respondent – State.

Police Sub-Inspector Ashok Sakharam Kate attached to Parksite
Police Station, present in court.

**CORAM : V. G. BISHT, J.
(VACATION COURT)**

DATE : 23rd DECEMBER 2020

P.C. :

1 This is an application under Section 438 of the Code of Criminal Procedure preferred by the petitioner seeking grant of pre-arrest bail in connection with Crime No.601 of 2020 under Sections 326, 504, 506, 427, 323 read with 34 of the Indian Penal Code (IPC) registered by Parksite Police Station.

2 It is the case of prosecution that on 16th November 2020, after having dinner, he went for a walk and was standing near Navjivan Society, Sanjay Gandhi Nagar, Parksite, Vikhroli (West), Mumbai. Sameer Jadhav @ Babu (petitioner) and Krishna Hegde approached him and pushed him and asked him to go away by saying “ये चल नीघ येथून, येथे सिगारेट गांजा प्यायचा नाही.” This led to a quarrel. Both of them then beat the informant by hands. Meantime, Sujal @ Kalu also came there armed with a knife and gave a blow on the left shoulder and on the left side of back of the informant leading to bleeding injuries.

3 I have heard Mr.Gupta, learned counsel for the petitioner and Mr.Gaikwad, learned APP for the State.

4 According to Mr.Gupta, learned counsel for the petitioner, the only accusation against the present petitioner is that he had allegedly beaten the informant by means of hands and except that, there is nothing serious against him. According to the learned counsel, the learned trial Court while rejecting the

anticipatory bail application wrongly observed that the petitioner had assaulted the informant with knife.

5 Mr.Gaikwad, learned APP, on the other hand supported the rejection of the anticipatory bail application of petitioner by the trial Court. Moreover, according to him, having regard to the accusations and the fact that necessary investigation is also required to be done, the application deserves to be rejected.

6 On careful perusal of the application it would show that the role attributed to the present petitioner is only to the extent that he had assaulted the informant by means of hands. It may not be out of place to mention here that the learned trial Court wrongly read the contents of the First Information Report (FIR) and observed that the present petitioner had assaulted the informant by means of knife on shoulder and back. This assault was precisely, if seen from the FIR, is attributed to Sujal @ Kalu, a juvenile in conflict with law and not on the part of the present petitioner.

7 In the above set of circumstances and having regard to the fact and circumstances, custodial interrogation of petitioner in the obtaining circumstances is not necessary, in my considered opinion this is a fit case where the present application deserves to be allowed.

8 In view of above, I pass the following order :

ORDER

- i) In the event of arrest of the applicant/accused in C.R.No.601/2020 registered with Parksite Police Station, Mumbai, for the offences punishable under Sections 326, 504, 506, 427, 323 read with 34 of the IPC, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs.15,000/-.
- ii) The applicant/accused shall make himself available for interrogation by a police officer of concerned police station as and when required.

- iii) The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him from disclosing such facts to the Court or to investigating officer.
- iv) Parties and all concerned to act on authenticated copy of this order duly issued by Personal Assistant/Sheristedar of this Court.

(V. G. BISHT, J.)

**Arti V.
Khatate**

Digitally signed by
Arti V. Khatate
Date: 2020.12.23
19:13:18 +0530