

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2839 OF 2019

Pandurang @ Pandya Paraji Gaikwad ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Robinsing Palthiya, Advocate for the Applicant.
Smt. Geeta P. Mulekar, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th January, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. I-291 of 2019 registered with Indira Nagar Police Station, Nashik for offences punishable under Sections 307, 354, 326, 324, 506, 506 r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that, on 18th May 2019, the accused were harassing the complainant and indulging the activity outraging her modesty. They entered her house and all of them assaulted son of the complainant by iron rod, fist and kick blows. The complainant filed the private complaint on 4th July, 2019. Directions were issued for recording the statements under Section 164 of Cr.P.C. In pursuant to that the FIR was registered.

3. The statement of injured was recorded on 29th July, 2019. In the said statement applicant is attributed role of assault. He has however stated that, the other accused assaulted him. He further stated that the co-accused had threatened the complainant in the hospital. Despite threats he has referred to the name of the co-accused as assailants. The statement of complainant was recorded under Section 164 of Cr. P.C. by the police on 9th September, 2019. In the said statement he has stated that the name of the applicant was wrongly mentioned in the complaint.

4. Learned APP submitted that, in the private complaint filed by the complainant role was assigned to the applicant. However, undisputedly in the statement of injured and subsequent statement of the complainant recorded under Section 164 of Cr. P.C., the applicant has been exonerated. Taking into consideration these circumstances, case for grant of anticipatory bail is made out.

5. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 2839 of 2019 is allowed;
- ii) In the event of arrest of applicant in C.R. No. I-291 of 2019 registered with Indira Nagar Police

Station, Nashik the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;

- iii) The applicant shall attend Investigating Officer on 13th, 14th and 15th January, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)