

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.14 OF 2020

Sunil Chandrakant Shisatkar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Anil Lalla and A.Lalla i/by Lalla & Lalla for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.Arun Ananda Bandgar, PSI, Santacruz Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th September 2021

PC :

1. This is an application for anticipatory bail in CR No.473 of 2019 registered with Santacruz Police Station, Mumbai for the offences under Sections 326, 323, 504, 506(ii) r/w 34 of Indian Penal Code.

2. The FIR was lodged on 12-12-2019 alleging that the applicant and the co-accused had entered into restaurant of complainant. They questioned the complainant as to why he has not parted the amount. The applicant and co-accused Nitin assaulted the injured. It is alleged that the applicant was armed with knife and caused injury to the hand of complainant with the help of knife. The applicant had also assaulted with soda water bottle on the head. The co-accused Nitin was also attributed role of assault by Beer bottle on the head. The investigation proceeded. The applicant had preferred application for anticipatory bail before Sessions Court which has been rejected. The co-accused Nitin Shisatkar and others were

granted anticipatory bail. While allowing the said application it was observed that allegations against the said co-accused is supported with medical report. It corroborates with the injuries mentioned in the FIR. The allegations of using knife is attributed to accused no.1 (applicant). The co-accused was attributed overt act of assaulting with bottle. The pieces of glass were found at the spot and same were recovered. Other accused had assaulted with fist and kick blows. Hence, Nitin and two other accused were granted anticipatory bail.

3. Learned counsel for applicant submitted that role attributed to the applicant and the co-accused Nitin is identical except the fact that applicant had allegedly assaulted on the hand of complainant-injured.

4. Learned APP submitted that overt act is attributed to the applicant. He produced injury certificate of the complainant-injured. The said certificate indicate that complainant had sustained CLW over right shoulder and CLW on the right occipital region was caused by sharp and blunt object. The injuries are simple. Apparently there is no injury on the hand corresponding to the allegations spelt out in the FIR. The vital injury, according to the prosecution, is on head, which is attributed to the applicant as well as to the co-accused Nitin. In the circumstances, the applicant cannot be denied the relief of anticipatory bail. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.473 of 2019

registered with Santacruz Police Station, Mumbai, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall appear before the Investigating Officer on 27, 28 and 29 September 2021, and thereafter as and when called till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST