

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.241 OF 2021

Navi Krishnan Namashiyam	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Gauraj Shah with Mr.N.A.Sonawane for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st February 2021

PC :

1. This is an application for anticipatory bail in CR No.67 of 2019 registered with Dharavi Police Station for offence u/s.307, 34 of Indian Penal Code. The FIR was lodged on 19th February 2019.

2. According to the first informant he was assaulted on his legs by sickle by Haridas and by Arjun by iron pipe on his head and back. As a result of assault he fell down. At that time applicant caught hold of the complainant, removed the knife and gave it to Arjun. Thereafter Arjun assaulted the complainant with knife. There was bleeding. The complainant was taken to hospital. Supplementary statement of the complainant was recorded on 25th February 2019. In the said statement, however, he has categorically stated that the applicant was present at the scene of offence, but he caught hold of pipe which was in the hands of Arjun and tried to be peace maker. In the concluding paragraph of the said statement, he stated that while he was being assaulted by Arjun and Haridas, applicant and Shaktiwel caught hold of iron pipe which was in the hands of Arjun

and tried to resolve the dispute. In the previous statement he stated that he was assaulted by the applicant but actually he had tried to save him and he has no complaint against him. Further statement of the complainant was recorded on 30th June 2019. In the said statement he has reiterated his version which was reflected in statement dated 2th February 2019, however, he added that in the CCTV footage which was received by him, it was shown that the applicant was present and he was seen keeping a cutter in his pocket. However, the statement does not indicate that applicant was seen handing over the cutter to any other person or assaulting the complainant. Thereafter another statement of the complainant was recorded on 8th August 2019 which again repeats the previous version. Thus, the subsequent statements were contrary to FIR. In any case, the CCTV footage which was allegedly recovered, does not seem to indicate that the applicant had found assaulting or handing over any weapon to others. Learned counsel for applicant submitted that there are consistent statements of the eye witnesses to the incident who have stated that the applicant was trying to resolve the dispute and has not played any role in assault or participated in assault.

3. In view of this, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.67 of 2019 registered with Dharavi Police Station, 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 report Dharavi Police Station as and when called for till filing of charge sheet;

(iv) The applicant shall not tamper with evidence.

4. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST