

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

**ANTICIPATORY BAIL APPLICATION NO.351 OF 2020
WITH
INTERIM APPLICATION NO.1114 OF 2020**

Tushar Dashrath Pawar	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Sunny Waskar, Advocate for the Applicant.

Mr.Pradeep Singh, Advocate for the Intervenor.

Ms.Anamika Malhotra, APP for the Respondent – State.

PSI Suryakant Pawar, Kandivali Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 09, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.263 of 2018, registered with Kandivali Police Station, Mumbai, for the offences punishable under Sections 336 and 504 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was registered on 8th May, 2018.

2 The complainant has alleged that she is residing in Shree Krishna Co-operative Society, Kandivali. She feeds stray

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dog, which is not liked by the society members. They had an impression that stray dog bite residents. On 4th September, 2017, complainant had an altercation with 15 to 16 persons from the society and NC complaint was registered with Kandivali Police Station, Mumbai. On 28th April, 2018, while complainant and her mother were returning home after feeding the stray dogs, the applicant and his family members were present in the society. The complainant and her mother were abused and threatened. While the mother of the complainant entered inside the gate of the society at about 12:30 hrs., the applicant was standing near the gate blocking it obstructed and complainant and her mother from entering inside. Applicant forcefully pushed the gate towards the complainant, as a result of which the iron gate hit her. 29th April, 2018, the complainant went to Kandivali police station and lodged NC Complaint. Since there was pain in her shoulders, she was treated. The injury certificate indicate that she had injury with blunt object her shoulder, which is grievous. Hence, FIR under Section 326 of IPC was registered.

3 On perusal of FIR and other documents, it appears that the applicant and complainant are neighbours. The complainant has stated that on account of feeding stray dogs, there were quarrels between the complainant, her mother and

residents of the society. The applicant allegedly pushed the main gate of the society.

4 The counsel for the intervenor/complainant has filed compilation of documents. He submitted that pursuant to the interim protection granted by this Court, the applicant had threatened the complainant. N.C. complaints were lodged on 20th February, 2020 and 23rd February, 2020. It is submitted that the complainant had sustained grievous injury.

5 Learned APP pointed out the injury certificate. Interim protection was granted by this Court vide order dated 11th February, 2020. The applicant was also directed to report the investigating officer. It is pertinent to note that initially the offences under Sections 325 and 506, were registered. Complainant has allegedly consulted doctor on account of the pain in her shoulder and injury certificate is issued by the doctor. Considering the factual matrix of the case, custodial interrogation of the applicant is not necessary.

9 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.351 of 2020, is allowed;

- (ii) interim order dated 11th February, 2020, is confirmed;
- (iii) In the event of arrest of the applicant in connection with C.R.No.263 of 2018, registered with Kandivali Police Station, Mumbai, the applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iv) Applicant shall not tamper with the evidence;
- (v) He shall cooperate the investigating officer, till the filing of charge - sheet;
- (vi) Anticipatory Bail Application No.351 of 2020, stands disposed of accordingly;
- (vii) Interim Application No.1114 of 2020, stands disposed of.

(PRAKASH D. NAIK, J.)