

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 369 OF 2021

Sudalai Mani Veera Perumal ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Dhanashree M. Lad a/w Mr. Abdul Aziz Khan, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Ms. Poonam Karale, P.S.I. Shahunagar Police Station, Mumbai Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 5 of 2021 registered with Shahu Nagar Police Station, Mumbai for offences under Sections 452, 325, 324, 323, 506(2), 504, r/w Section 34 of Indian Penal Code. THE FIR was lodged on 4th January, 2021.

2. The case of the complainant is that on 3rd January, 2021, the applicant and others had assaulted him, his mother and sister. One of the accused was armed with knife. The applicant gave fist blows on the nose of complainant and charged at him with knife and assaulted the complainant with knife.

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3. The contention of the applicant is that cross FIR has been registered vide C.R. NO. 4 of 2021 with the same police station by the applicant. The offence was registered under Section 326 of IPC. The applicant was treated in Municipal Corporation Hospital. He had sustained grievous injuries. It is submitted that the applicant was hospitalized for a period of 8 days and he is still undergoing treatment.

4. Learned APP submitted that, there are antecedents against the applicant. Role of assault has been attributed to the applicant. The complainant had sustained grievous injuries. It is apparent that both the sides have lodged complaints against each other. On the complaint lodged at the instance of the applicant, the offence was registered under section 307 of IPC. The applicant had also sustained injuries which is apparent from the Medical case papers produced by the applicant. Some old cases were shown as his antecedents. In these circumstances, the applicant need not be subjected to custodial interrogation. Hence I pass the following order.

ORDER

- (i) Anticipatory Bail Application No. 369 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No. 5 of 2021 registered with Shahu Nagar Police

Station, Mumbai the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer on 16th, 17th & 18th February, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.

(iv) The applicant shall not approach the complainant or any other witnesses and shall not try to tamper with the evidence.

(v) Anticipatory Bail Application stands disposed of accordingly.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)