

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.594 OF 2020

Mahesh Bhawandas Bhagchandani

Applicant

versus

The State of Maharashtra

Respondent

Mr.Dheeraj Panchange for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd June 2021

PC :

1. This is an application for anticipatory bail in CR No.105 of 2020 registered with Kalyan Taluka Police Station, District Thane for offences under Sections 353, 332, 504, 506 of Indian Penal Code. The FIR was lodged on 26th February 2020.

2. The complainant is working as wireman with Maharashtra State Electricity Distribution Company. Since there were outstanding dues in respect to the electricity charges, the complainant had visited the premises. He was assaulted by the accused with plastic pipe. The name of accused was mentioned as Rakesh Sabhani. Supplementary statement of the complainant was recorded on the next day and in the said statement it was stated by him that from the residents he came to know the name of assailant as Mahesh Bhagchandani.

3. The contention of the applicant is that he has been falsely implicated in this case. The applicant is conducting business in the area since last several years and the complainant could have named

him in the FIR if he was present and involved in the crime. The complainant knows the accused who has been named in the FIR which is clear from the tenor of FIR since he had spoken to him when he visited the premises.

4. Learned APP submitted that the complainant was not knowing the applicant. He came to know about name of the applicant from the neighbours. There are two eye witnesses to the incident.

5. The FIR specifically mentions that dues of electricity were not paid by Rakesh Sabhani and the complainant had spoken to him on phone. It gives a impression that he known him. Thus, in the FIR the complainant had specifically named Rakesh Sabhani as the assailant. The statements of alleged eye witnesses were recorded subsequently. Considering the aforesaid circumstances, the applicant need not be subjected to custodial interrogation. 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.105 of 2020 registered with Kalyan Taluka Police Station, the applicant be released on bail on 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 28th, 29th and 30th June 2021 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)