

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

ANTICIPATORY BAIL APPLICATION NO. 695 OF 2021

Deepu Vinod Tiwari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Gayatri Pandey i/b. Mr. Dilip H. Shukla, Advocate for the Applicant

Ms. M. R. Tidke, APP for the Respondent – State.

Mr. Vishal V. Korade (P. S. I.) Powai Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th APRIL, 2021

PER COURT:

1. This is an application for anticipatory bail in connection with C.R.No.17 of 2021 registered with Powai Police Station, Mumbai for the offences punishable under Sections 353, 332 & 504 r/w Section 34 of Indian Penal Code.

2. The First Information Report was lodged on 11th January 2021 against the applicant and his brother. It is alleged that the complainant was on duty. He was patrolling on 11th January 2021. He found that the crowd had gathered in Hiranandani garden area. It was noticed that the driver of scooty had met with an accident with the car driven by a women. Three persons were questioned about it.

They gave evasive answers. They were told to visit Police Station. At that time, they abused policemen and assaulted the complainant. One of them was wearing iron bracelet while assaulting the complainant.

3. Learned Counsel for the applicant submitted that the case is false. The brother of the applicant was assaulted by Police which is evident from the medical case papers annexed to this application. It is further submitted that the complaint was lodged with the Human Rights Commission. The Commissioner forwarded the complaint to concerned authority for appropriate action. The brother of the applicant is a juvenile and he was arrested and produced before the Juvenile Justice Court. He has been granted bail.

4. On perusal of the medical case paper, provides history of assault by five to six unknown persons (Police) with injuries like abrasions on upper limb and other parts of body. It appears that brother of the applicant was allegedly assaulted by the Police.

5. Learned APP submitted that the applicant is attributed role of assault. The injured Nitin Khairmode is head constable. He had sustained injury. One more case was registered against the applicant vide C.R. No. 332 of 2020 for offences under Sections 354,

452, 509 r/w Section 34 of IPC.

6. In view of discussion as stated herein above, the applicant need not be subjected to custodial interrogation. The applicant was granted interim protection by order dated 15th March, 2021.

ORDER

(i) Anticipatory Bail Application No. 695 of 2021 is allowed;

(ii) The interim order dated 15th March, 2021 is hereby confirmed.

(iii) In the event of arrest of the applicant in connection with in C.R. No.17 of 2021 registered with Powai 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;

(iv) The applicant shall attend the investigating officer on 8th & 9th April, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)