

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

ANTICIPATORY BAIL APPLICATION NO. 1288 OF 2021

Nikhil Suresh Jadhav @ Niketan Jadhav ... Applicant

Versus

The State of Maharashtra ... Respondent

.....
Ms. Afreen Shaikh, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.
DATE : 14th JUNE, 2021

PER COURT:

1. The applicant is apprehending arrest in C.R. No. 583 of 2019 registered with Borivali Police Station, Mumbai for offences under Sections 387, 506(2), 323, 504 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 17th October, 2019.

2. The case of the complainant is that on 9th October, 2019 the applicant and other accused confronted the complainant. The applicant and co-accused Abhijeet Ojage caught hold of him and other accused Sanjay Shetiyyar assaulted him with fist and kick blows and he also demanded Rs.10,000/- per shooting with the complainant. Thereafter, the friend of the complainant intervened.

He was also intimidated. Another friend of the complainant namely Aarif Shaikh also came to the spot of the incident. He was assaulted by the accused. The members of public were threatened by the accused. One of the friend of complainant then gave a call by dialing 100 number to the Police and the Police when arrived at the spot, the accused managed to ran away. On 10th October, 2019, the complainant was threatened by telephonic calls by co-accused Sanjay Shetiyar. Thereafter, the FIR was lodged on 17th October, 2019.

3. The co-accused Sanjay Shetiyar, who was attributed role of assault, demanding money and intimidation was arrested and he has been granted bail by the Court of learned Magistrate vide order dated 20th February, 2020. Another accused Jay Reddy was also arrested and granted bail. The prosecution could not point out any antecedents against applicant. The incident had occurred on 9th October, 2019 and 10th October, 2019. The FIR was lodged on 17th October, 2019. According to complainant, police had arrived on the spot at the place of incident, however, the complaint was not lodged. Considering the factual aspects, the applicant need not be subjected to custodial interrogation.

ORDER

(i) Anticipatory Bail Application No. 1288 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with in C.R. No. 583 of 2019 registered with Borivali 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 21st, 22nd & 23rd June, 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 provide the address of his native place as well as permanent address of Mumbai to the Investigating Officer.

(v) The applicant shall not tamper with the evidence.

(vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)