

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

ANTICIPATORY BAIL APPLICATION NO. 1333 OF 2021

Haridev Jyotiram Landge ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Akhilesh Singh i/b. Neetu Singh, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th JUNE, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 194 of 2021 registered with Ghatkopar Police Station, Mumbai for offences under Sections 326, 341, 188, 269, & 504 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 19th April, 2021 by Tanmay Kishor Hande.

2. The case of the prosecution is that on 17th April, 2021, the complainant and others had gathered at Saibaba Temple, Parshiwadi. At that time one Bunti was staring at them. He was questioned about it. He threatened them. There was scuffle between

them. On 18th April, 2021, the applicant and his associates confronted the complainant. They were armed with bamboo stick. The complainant was assaulted with bamboo stick. He tried to avoid the blow by shielding the attack by his hand which resulted in fracture to his hand.

3. Learned advocate for the applicant submitted that on 17th April, 2021, the brother of the applicant had lodged the complaint with the same police station and FIR was registered vide C.R. No. 185 of 2021 against Rohit Patil and others. The offences were registered under Sections 323, 143, 147, 149, 504 & 506 of IPC. On account of said FIR, the applicant has been falsely implicated in the present case.

4. Learned APP submitted that specific role has been attributed to the applicant. He was armed with bamboo stick. The assault has resulted in fracture to hand of injured.

5. On perusal of both the FIR is is apparent that the incident had occurred on account of previous quarrel. The blow was allegedly given by bamboo stick and while complainant tried to avoid blow by shielding his hand fracture was caused to his hand. I have perused the injury certificate of Tanmay Hande. Although the

applicant was named in the FIR, the injury certificate mentions that the assault was by unknown persons. There are no criminal antecedents against the applicant. Considering factual aspects of this case, the applicant need not be subjected to custodial interrogation.

ORDER

(i) Anticipatory Bail Application No. 1333 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with in C.R. No. 194 of 2021 registered with Ghatkopar 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 22nd, 23rd & 24th June, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)