

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

ANTICIPATORY BAIL APPLICATION NO. 1396 OF 2021

Latesh Tukaram Gaikwad ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satyan Pille, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21st JUNE, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. I-95 of 2021 registered with Ambarnath Police Station, Dist. Thane, for offences under Sections 326 & 504 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the complainant was in relationship with one lady. She was addicted to liquor. Hence, the complainant was avoiding her. She used to harass the complainant and his wife. The brother of the lady came to know about relationship between the lady and complainant.

3. On 4th February, 2021, the said lady came to the house of the complainant. She was under influence of liquor. The complainant refused her entry in the house. Brother of said lady namely Ishwar, Rohit, Latesh (applicant) and Suraj came at the spot with hockey stick and iron rod. They assaulted the complainant. Applicant and Suraj assaulted him with iron rod on his knee and leg. Co-accused assaulted the complainant with knife by causing injury to his palm. The complainant managed to run away from the place of incident. He was taken to the hospital for treatment. He was sent to K.E.M. Hospital. He was discharged from the hospital. Thereafter, he went to Central Hospital on the next date.

4. The injury certificate mentions that the injuries were of simple nature. The contention of learned counsel for the applicant is that Section 326 of IPC would not be attracted in this case.

5. It appears that the applicant was treated at K.E.M. hospital and was discharged immediately on the next day and thereafter, he got admitted in another hospital. There are no criminal antecedents against the applicant.

6. Considering the factual aspects, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 1396 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with in C.R. No. I-95 of 2021 registered with Ambernath Police Station, Dist. Thane,, 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 report the investigating officer on 28th, 29th & 30th 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.)