

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

ANTICIPATORY BAIL APPLICATION NO. 1606 OF 2021

Atish Sonu Singh

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Jigar Agarwal, for the applicant.

Mr. Ameet A. Palkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th JULY, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 394 of 2020 registered at Mankhurd Police Station, on 13/10/2020, under sections 307, 452, 324, 323, 504, 506(2), 143, 147, 148 r/w 149 of the Indian Penal Code.

2. Heard Mr. Jigar Agarwal, learned counsel for the applicant and Mr Ameet A. Palkar, learned APP for the State.

3. The FIR is lodged on 13/10/2020 by one Sajida Rahim Khan. She has stated in her F.I.R. that the applicant's father and his friend Tayyab had raised a hut near the informant's house on a piece of land. On 12/10/2020, between 11.00 p.m. to 12.00a.m. somebody caused damage to that hut. Sonu Singh and Tayyab were under the impression that informant's brother Shabab had caused that damage, because Shabab had some quarrel with Tayyab in the past. At about 5.00p.m. on 12/10/2020 the informant was in her house. Her sister Aabida had come to her house. At that time, Sonu Singh, his wife Shilpa, the present applicant, Tayyab, Tayyab's wife Shabbu and Tayyab's sister in law Shabana, Shabana's son Samshed came there carrying sword and wooden sticks. It is alleged that the applicant and Shabana pulled the informant and her sister out of their house. The applicant and Tayyab assaulted Abida with wooden stick. Others abused the informant and her sister. The main accused Sonu Singh gave a blow with handle of his

sword on the head of the informant's sister. He also threatened the people in the locality and then accused went away. On this basis the F.I.R. was lodged.

4. Learned Counsel for the applicant submitted that the co-accused Shilpa and Shabana are granted bail vide order dated 03/12/2020 passed in ABA (St.) No. 4962 of 2020 and ABA (St.) No. 5103 of 2020. He submits that the applicant's role is almost similar to that of the co-accused who are granted bail, except that the applicant had gave a blow with stick on the informant's sister. However, injuries suffered by the informant's sister are only simple injuries. He further submitted that the applicant had only one previous antecedent under Section 324 of the Indian Penal Code. The applicant is 20 years of age. He has recently suffered an accident and had bed ridden for past few months.

5. Learned APP opposed this application. He submitted that the applicant has antecedents. He

submitted that parity does not apply to the applicant because he had actually assaulted informant's sister with sticks.

6. I have considered these submissions. The injured Aabida suffered three injuries. They are as follows.

- 1) Tenderness on frontal and parietal region.
- 2) Tenderness on left lower back.
- 3) Tenderness on left knee.

All these injuries were described as simple injuries. Therefore, to some extent parity applies to the present applicant. The applicant is young boy of 20 years of age. In this view of the matter, applicant's custodial interrogation is not necessary. He can be protected by granting an anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 394 of 2020, registered with Mankhurd Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station after he recovers from his injuries. He shall attend the concerned Police Station once in a month till end of December 2022.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)