

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

ANTICIPATORY BAIL APPLICATION NO.1657 OF 2021

Ishtiyak Adalat Shah & Ors. .. Applicants

Vs.

The State Of Maharashtra & Anr. .. Respondents

Mr.Dilip Shukla i/b Yash Asso., Advocate for Applicants.

Mr. R. M. Pethe, A.P.P. for the State-Respondent.

Mr. J. R. Vishwakarma, Advocate for Respondent No.2.

API. Ganpat R. Parchake, Taloja Police Station, Navi Mumbai.

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th JULY, 2021

PC.

1. This is the second application for anticipatory bail. Previous application was disposed of vide order dated 02.07.2021. Since the Court was not inclined to grant anticipatory bail, the application was withdrawn with liberty to surrender before the investigating officer on 09.07.2021 at 11:00 a.m. The interim protection was continued till 09.07.2021.

2. Apparently, the applicants have not surrendered before investigating officer and preferred this application on the ground that there is settlement between the complainant and the

applicants. The complainant is represented by advocate Mr. Vishwakarma. The complainant has also filed affidavit stating that there is settlement and he has no objection allowing this application. Learned counsel for the complainant submitted that complainant is present on VC and he has confirmed that there is compromise between parties and he has no objection for granting relief to the applicants. Learned advocate for applicants submitted that in view of settlement, anticipatory bail may be granted to applicants.

3. Learned APP strongly opposed the application for anticipatory bail. It is submitted that the complainant has suffered serious injuries and he was not in a position even to stand. He sustained two grievous injuries and several simple injuries and his leg was fractured. He further submitted that the complainant had written letter dated 22.06.2021 to the Commissioner of Police alleging that the accused were openly saying that they are not arrested by Taloja Police. Although their anticipatory bail application was rejected, they have not been arrested. Complainant cannot go on changing his version.

4. Learned counsel for the applicants submitted that the aforesaid letter was written during the period when the applicants were protected by the interim order. The applicants are not hardened criminals. There was trade dispute between them. Some of the applicants have not played active role.

5. The previous application was withdrawn as the Court was not inclined to grant relief. Although liberty was granted to surrender, the applicants did not surrender. The injury certificate and photographs of injured/complainant reflects nature of assault. Be that as it may, the letter forwarded by complainant indicates that the complainant had grievance against the applicants and the fact that they were not arrested. It is not that in every settled matter relief can be granted. Considering the factual aspects of the matter, no case for entertaining this application is made out. Hence application stands rejected.

ORDER

Anticipatory Bail Application No.1657 of 2021 stands rejected.

(PRAKASH D. NAIK, J.)