

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.1896/2021**

Sikandar Singh Thakur Singh

Tak

.....Applicant**V/s.**

State of Maharashtra

....Respondent*** * * ***

Mr. Sharan G. Bhagat, Advocate for the applicant.

Mrs. Prajakta Shinde, APP for State.

**CORAM : SANDEEP K. SHINDE, J.
(Video Conference)****Friday, 20th August, 2021.****P.C. :**

1. Heard learned Counsel for the applicant and learned APP for State.

2. Applicant is seeking pre-arrest bail in connection with Crime No. I-78/2021 registered at Dombivali Police Station, Thane on 12th March, 2021 for the offences punishable under Sections 326, 324, 323, 504, 141, 147, 148, 149 of the Indian Penal Code and under

Sections 4, 25 of the Indian Arms Act and under Sections 37(1), 37(3) read with Section 135 of the Bombay Police Act.

3. In a dispute over a open space between the house of the complainant and the applicant followed by fight gave rise to cross First Information Reports. Complainant, alleged one Bobby Singh assaulted her on nose with a sword and co-accused, including applicant assaulted informant's husband, by fist blows.

4. Allegation is that, the applicant and the co-accused, Nagina Tak and Rina Singh assaulted complainant with kick and fist-blows. Nagina Tak is wife of the applicant. It may be noted that, Nagina and Rina have been granted pre-arrest protection by this Court on 3rd August, 2021 in Anticipatory Bail Application No.1778 of 2021. The role attributed to the applicant is the same, which has been attributed to Nagina and Reena. Learned APP, disputes this fact and contends that, statements of one Smt. Leelabai Prabhakar Phule and her daughter Kiran Phule, recorded on 17th March, 2021, after five days of the incident, would allege that the applicant assaulted him by iron rod. Yet, no corresponding injury was found on the person of the injured allegedly inflicted with iron rod, as could be seen from the Injury Certificate/OPD case papers brought on record. Nevertheless, the complainant did not allege that applicant assaulted Prabhakar with iron rod in his complaint lodged soonafter the incident. Apparently, Phule (witness) improved prosecution case. There is no criminal past record against the applicant. It is informed that the accused to whom the major role has been attributed, was arrested and released

on bail. In the circumstances, in my view, custodial interrogation of the applicant will not further the prosecution's case. The application is allowed on the following terms and conditions :

ORDER

(i) In the event of arrest of the applicant in Crime No. I-78/2021 registered at Dombivali Police Station, Thane, he shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer on 5th and 30th August, 2021 and thereafter once in a week between 11:00 a.m. to 1:00 p.m. for a period of two months and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. The application is accordingly allowed and disposed off.

6. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

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(SANDEEP K. SHINDE, J.)