

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1091 OF 2020

Nikhil Ravindra Patil

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sanjay Singh for applicant.

Mr.Swapnil S. Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th February 2021

PC :

1. The FIR was lodged on 9th November 2020 for the offence under Sections 326, 324 r/w Section 34 of Indian Penal Code vide CR No.896 of 2020. The complainant has alleged that Kailas Shirke, applicant and others had assaulted him on account of previous quarrel on 9th November 2020. The complainant Rajesh Yadav tried to intervene and at that time he was assaulted by the co-accused Kailas by iron rod. From the tenor of the FIR, it is not clear as to whether all the other accused have used weapons like bamboo and iron rod. The specific overt act is also not clear from the complaint. Learned counsel for applicant submitted that one bamboo stick was recovered during the course of investigation. Kailas has been granted bail.

2. Learned APP submitted that C.T.Scan report of Rajesh Yadav does not indicate fracture, however, X-ray report shows that he had sustained fracture.

3. The role assigned to the applicant is vague. The main accused Kailas Shirke, who is attributed prime role, has been arrested and granted bail. In view of the factual matrix of the case, custodial interrogation of the applicant is not required. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.896 of 2020 registered with Andheri Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall appear before Investigating Officer on 15th, 16th and 17th February 2021 between 11 am and 1 pm and thereafter as and when called till filing of charge sheet.

4. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST