

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

ANTICIPATORY BAIL APPLICATION NO.2069 OF 2021

Premchand Mukesh Chauhan

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

...

Mr.Shadab Khopekar i/b Mr. Selvaraj Nadar, Advocate for Applicant.

Mr.S.R. Agarkar, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 29th SEPTEMBER, 2021**

PC.

1. The applicant is apprehending arrest in C.R. No.700 of 2021 registered with Kandivali Police Station for the offences punishable under Sections 326, 324, 504, 506(2) read with Section 34 of the Indian Penal Code and Sections 4, 25 Arms Act and Section 37(1)(a), 135 of Maharashtra Police Act.

2. The FIR was lodged on 03.08.2021 alleging that on 02.08.2021 Amit Chavhan, Prem (Applicant), Zahid and their associates were hurling abuses. Complainant's friend questioned them as to why they are abusing. Zahid was annoyed and threatened the complainant and his friend. Zahid assaulted Anil by fist blows. The complainant tried to intervene.

Amit held T-shirt of the complainant and threatened him. Due to assault, Anil fell on the ground. Amit abused and threatened them and gave blows of sword on the head of the complainant. Amit assaulted complainant by iron rod on his left hand. Other associates of Amit including the applicant assaulted the complainant by paver block lying on the road.

3. Learned counsel for the applicant submitted that the applicant is not having any criminal antecedents. Incident had occurred at the spur of moment. The only role attributed to the applicant is that he has assaulted by paver block. The allegation is vague.

4. Learned APP submitted that officer is not present. This application was heard on 01.09.2021 and interim relief was granted to the applicant. Time was sought to produce injury certificate. Thereafter, the application was listed before this Court on 17.09.2021 and same was adjourned till today.

5. Perusal of the FIR indicates that the incident had occurred at spur of moment. The applicant was not armed with weapon. The paver block which was lying at the scene of incident was picked up by the applicant and he assaulted witness Anil.

6. Considering the factual aspects and role attributed to the applicant, custodial interrogation of the applicant is not necessary.

ORDER

- (i) Anticipatory Bail Application No.2069 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in C.R. No.700 of 2021 registered with Kandivali Police Station, the applicant be released on bail on 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 the Investigating Officer on 6th, 7th and 8th October, 2021 between 11.00 am to 01.00 am. and thereafter, as and when called for.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)