

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2112 OF 2021

Deepak Sham Tenkale

Applicant

versus

The State of Maharashtra

Respondent

Ms.Feroza a. Shaikh, Advocate i/by Mr.Ganesh Iyar for applicant.

Mr.R.M.Pethe, APP, for State.

PSI Liman, Chembur Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th September 2021

PC :

1. The applicant is apprehending arrest in CR No.517 of 2021 registered with Chembur Police Station for offences under Sections 326, 324, 504 r/w 34 of Indian Penal Code. The FIR was registered on 11th July 2021.

2. The case of complainant is that the co-accused was spreading rumours that complainant is in habit of borrowing money from people. On the day of incident the complainant questioned the co-accused. He gave evasive answers. Hence the complainant followed the accused. There was exchange of words between them. At that point of time applicant who is brother of the accused, had appeared on the place of incident. He was armed with chopper and he assaulted the complainant on the elbow and waist, which was resulted in causing injuries.

3. The applicant had approached Sessions Court for anticipatory bail which was rejected by order dated 29th July 2021.

4. Learned counsel for applicant submits that applicant has been falsely implicated in this case. He was not armed with weapon. The relationship between the applicant and brother of applicant was cordial. On the date of incident the complainant had followed the co-accused. There was no intention to cause any injury to the complainant. The applicant is willing to co-operate with investigation. He has no criminal antecedents. Custodial interrogation of applicant is not necessary.

5. Learned APP pointed out injuries sustained by complainant. The medical case papers pointed out by learned APP corroborates the version of complainant. It is pertinent to note that the alleged quarrel had ensued between the co-accused and the complainant. The applicant had intervened in the quarrel and then assaulted the complainant with chopper. Considering the role attributed to the applicant and the fact that he was armed with chopper which was used in assault, no case for grant of anticipatory bail is made out. The Anticipatory Bail Application is rejected and disposed of.

(PRAKASH D. NAIK, J.)

MST