

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

ANTICIPATORY BAIL APPLICATION NO.2260 OF 2021

Mr. Niraj Dinanath Harihar Rai

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

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Mr. Priyatosh R. Tiwari i/b Mr. Ashok M. Saraogi, Advocate for Applicant.

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

PSI Ankush Varugase, Kalyan Taluka Police Station, present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 21st SEPTEMBER, 2021

PC.

1. The applicants apprehending arrest in C.R. No. 323 of 2021 registered with Kalyan Taluka Police Station for the offences punishable under Sections 452, 143, 147, 148, 149, 324, 323, 504, 506 and 352 of the Indian Penal Code (for short "IPC").

2. The case of the prosecution is that complainant is resident of Titwala. On 7.5.2021 she was informed by her daughter that accused Rinku, residing at some distance, came to their vicinity and looked at her and passed comment, girl from chawl will have to won over and blowing horn of vehicle. The complainant

questioned Rinku about it on next day. He did not reply. From 9.5.2021 for three to four days he used to pass from their house and blow horn of his vehicle. There was exchange of words between Rinku and complainant. On 12.5.2021 Rinku, wife of Rinku and another lady came in front of complainant's house. They abused her. Two ladies assaulted complainant and her daughter with fist blows. Rinku called his associates. Rammurat Yadav, Jahid Khan, Rai, Rozi Khan, Kusum, Usha came there. Rai and Kusum had sticks. They were assaulted. FIR was registered on 2.6.2021. It appears Section 12 of POSCO Act and 354 (A), (1)(4) of IPC were added subsequently.

3. Learned Advocate for applicant submits that all the accused involved in the offence were granted anticipatory bail by the Sessions Court and the applicant was refused relief on the ground that he was armed with wooden stick. The wooden stick was not used in assaulting.

4. Learned APP submitted that the applicant was armed with wooden sticks. Role has been assigned to him. The injury certificate of the injured indicates head injury. However, nature of injury was not reflected.

5. FIR was recorded after a period of 21 days. No specific overt act is attributed to applicant. There are no criminal antecedents against the applicant. It is not stated that

applicant had assaulted by wooden stick. The role of any harassment to child or act of outraging modesty is not attributed to applicant Custodial interrogation is not necessary.

ORDER

- (i) Anticipatory Bail Application No.2260 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in C.R. No.323 of 2021 registered with Kalyan Taluka 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 report investigating officer on 27th, 28th and 29th September 2021 between 11.00 am to 01.00 pm and thereafter as and when called for till the filing of the charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)