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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2586 OF 2021**

SADANAND P. CHAUBEY

....Applicant.

V/s

THE STATE OF MAHARASHTRA

.....Respondent

Mr. R. S. Tripathi a/w Mr. O.P. Yadav a/w Mr. Jay Yadav for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent/State.

PSI Sunil Tarmale, Manpada Police Station, Dombivali, Thane City, present.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 28, 2021

P.C.:-

1] Applicant is seeking pre-arrest bail in C.R. No. 0364 of 2021 registered with Manpada Police Station for the offence punishable under Sections 323, 324, 504 read with section 34 of the Indian Penal Code.

2] Apart from the claim of parity based on the protection ordered by this Court in ABA No.2005 of 2021 vide order dated 7/9/2021, contentions are, Applicant's custody for interrogation is not justified.

3] Perusal of the statements of eye witnesses Sou Vijaya wife of the victim and other witnesses, it is apparent that Applicant alongwith

other co-accused assault the victim/complainant, resulting into fracture. After release of the co-accused, further investigation depicts that Applicant has played an active role in commission of the crime in question which justifiably warrants his custodial interrogation for recovery of weapon.

4] Apart from above, there are two other accused persons who are also involved in the crime in question. That being so, no case for bail is made out. Application stands rejected.

(NITIN W. SAMBRE, J.)