

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2300 OF 2019

Deepak Kisan Karandekar ... Applicant

Versus

The State of Maharashtra ... Respondent

....

Mr. Sachin R. Pawar, Advocate for the Applicant.

Ms. M. R. Tidke, APP for the Respondent – State.

....

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 22 of 2019 registered with Rabale MIDC Police Station, Navi Mumbai, for offences under Sections 324, 387, 504, 427, 143, 147, 148 & 149 of Indian Penal Code and subsequently Section 307 of IPC was invoked after recording the supplementary statement of the complainant.

2. The case of the prosecution is that on 3rd February, 2019, the complainant was in his shop at about 6.15 p.m. when the applicant came to his shop and asked for money to purchase alcohol. The complainant refused to give money. Accused No.1 was annoyed and left the spot. Thereafter, he returned along with his father, one

RajeP.
Aher
Digitally
signed by
RajeP. Aher
Date:
2021.02.24
14:26:15
+0530

Mr. Suresh and one unknown person. Accused Mangesh was holding steel pipe. All the accused abused the complainant and assaulted him. Mangesh assaulted on head by steel pipe. The complainant had sustained five injuries viz. injuries on the right parietal region, right eyebrow, nasal bridge and abrasion on chest and neck. All the injuries were simple in nature. Subsequently supplementary statement of the complainant was recorded. Section 307 of IPC was invoked. Cross case is registered from the applicant's side vide C.R. No. 25 of 2019 for offences under Sections 324, 326 & 504 of IPC. The accused No.1 Mangesh Karandekar was injured.

3. The applicant was not named in the FIR. In the supplementary statement he has been named. No overt act of assault is attributed to the applicant. Mangesh was arrested. He is granted bail by this Court by order dated 9th September, 2019. The mother of applicant Shantabai Karandekar was granted anticipatory bail by this Court vide order dated 24th September, 2019.

4. Learned APP submitted that the applicant has participated in the crime. Injury certificate mentions that complainant suffered five injuries.

5. Undisputedly, the applicant was not named in the FIR. His name was disclosed in subsequent statement. No role of assault

was attributed to him. The applicant No.1 was arrested and he is granted bail by this Court. Co-accused who were attributed similar role has been granted anticipatory bail by this Court. Injured had sustained simple injuries. The applicant was granted interim protection vide order dated 18th October, 2019. It is submitted that he had not misused the protection granted to him and he has co-operated with the investigation. In these circumstances, interim protection granted by this Court deserves to be confirmed. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No.2300 of 2019 is allowed;
- (ii) The interim order dated 18th October, 2019 is hereby confirmed.
- (iii) In the event of arrest of the applicant in connection with C.R. No. 22 of 2019 registered with Rabale MIDC Police Station, Navi Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (iv) The applicant shall report the investigating officer as and when called for till filing of charge-sheet ;
- (v) Anticipatory Bail Application stands disposed of

accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)