

Urmila Ingale

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

ANTICIPATORY BAIL APPLICATION NO. 2637 OF 2019

Vivek Kumar Sarjuprasad Gupta ..Applicant
vs.
The State of Maharashtra ..Respondent

Mr. Vaibhav N. Jagtap, for Applicant.
Mr.N.B. Patil, APP for State.
Mr.Devhare, PSI, Ghatkopar Police Station present.

CORAM : M. S. KARNIK, J.

DATE: SEPTEMBER 29, 2021

P.C. :

. Heard learned Counsel for the applicant and learned APP appearing for the State. Learned APP opposed the application. It is the contention of the learned Counsel for the applicant that over a dispute of parking on public road, scuffle took place between the applicant and complainant. It is the allegation of the prosecution that the complainant suffered a head injury and had to be admitted in the hospital. Learned APP submits that the applicant assaulted the complainant with a wooden stool.

2. FIR is registered vide C.R.No. 753 of 2019 with

Ghatkopar Police Station for the offence punishable under Sections 326, 323, 504 read with Section 34 of Indian Penal Code. The date of the incident is 27/10/2019. FIR is registered almost after a week. Even from the medical record and injury certificate, it is seen that the complainant was discharged from the hospital on the same date. The medical certificate on record at page 15 indicates that the complainant sought discharge against the medical advice on 28/10/2019. The medical certificate records that the same is high risk consent. It is further mentioned that the relatives of the complainant wanted to treat him in another hospital. In the application, it is averred that the complainant was discharged on 31/10/2019. This Court in the order dated 02/12/2019 while granting interim protection to the applicant recorded that medical reports placed on record shows injuries suffered were simple in nature. No contrary medical certificates are placed on record indicating that the applicant suffered grievous injuries.

3. Learned Counsel for applicant pointed out that the applicant has attended the Police Station as and when he was called and he co-operated with the investigation. This contention is not controverted by learned APP. No criminal antecedents are reported

against the applicant. Considering the facts and circumstances of the present case and that the applicant has been granted interim protection since 02/12/2019, the following order is passed.

ORDER

- i) The Application is allowed.
- ii) The interim protection granted on 02/12/2019 is confirmed.
- iii) In the event of arrest of the applicant in C.R. No. 753 of 2019 registered with Ghatkopar Police Station, applicant be released on bail on furnishing P.R. bond of Rs.20,000/- with one or two sureties in the like amount.
- iv) The applicant shall attend the Police Station as and when called.
- v) The applicant shall furnish the particulars of his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned.
- vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or

any person concerned with the case.

4. Application is disposed of.

(M.S. KARNIK, J.)