

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

**ANTICIPATORY BAIL APPLICATION NO.2719 OF 2019**

|                          |                 |
|--------------------------|-----------------|
| Deepak Waman Sapke       | .... Applicant  |
| Versus                   |                 |
| The State of Maharashtra | .... Respondent |

Mr. Pratik Ingle, Advocate i/b. Tushar N. Khandare, for the Applicant.

Smt. J.S. Lohokare, APP for the Respondent-State.

PI (Crime) Prithviraj Ghorpade, NRI Sagari Police Station, Navi Mumbai is present.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 18<sup>th</sup> SEPTEMBER, 2021**

**P.C. :**

1. The applicant is seeking anticipatory bail in connection with C.R.No.306/2019 dated 20.9.2019 registered at NRI Sagari Police Station, Navi Mumbai under sections 143, 147, 148, 323 and 326 of the Indian Penal Code.

2. Heard Shri Pratik Ingle, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Harsh Chugani on 20.9.2019. The incident occurred between the night of 20<sup>th</sup> &

21<sup>st</sup> September, 2019 at about 1:30 a.m. in Icon Bar. There was some scuffle on a petty issue. The allegations are that one of the opposing group assaulted the first informant with belt on back as well as with beer bottle on head causing bleeding injuries. The assailants kept on beating him. It is alleged that he lost his golden chain in the scuffle. In the meantime, the police were informed. He was taken to hospital and treated and after that this FIR is lodged. In the FIR, the informant stated that name of the applicant came to his knowledge through the employees of Icon bar.

4. Learned counsel for the applicant submitted that the incident is not true. The applicant is being implicated falsely. The injuries are not serious.

5. Learned APP produced the medical certificate before this Court. The medical certificate shows that there were five injuries. Most of them are in the nature of abrasions and contusions. There was one CLW on the head. But, all the injuries were described as simple injuries.

6. In this case, a petition for quashing is pending before the Division Bench. Criminal Writ Petition being Criminal Writ Petition No.5443/2019 was filed for quashing of the FIR and the petition is not decided. However, this fact was taken into consideration while protection was granted to the applicant by this Court (Coram:Sandeep K. Shinde, J.) on 11.12.2019. It was also observed that the injuries were simple in nature.

7. I have perused the medical certificate. The injuries are simple. The applicant is on interim protection since 11.12.2019.

8. Learned APP submitted that a case under the MCOC Act is pending against the applicant, in which he is granted bail. I have considered this aspect also. However, in the present case the injuries caused are simple. The applicant is on interim protection for a long period i.e. for almost two years.

9. On instructions, learned APP states that there are

no other offences registered against the applicant during this period of almost two years. Therefore, considering the fact that no specific role is attributed to the applicant and the injuries are simple and also that he was on interim protection for a long time, the interim protection can be made absolute and he can be granted anticipatory bail. Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R.No.306/2019 registered with NRI Sagari Police Station, Navi Mumbai, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)

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PRAKASHRAO  
DESHMANE  
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