

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

ANTICIPATORY BAIL APPLICATION NO. 2756 OF 2019

Vishal Singh Applicant

Versus
The State of Maharashtra Respondent

None for the applicant.

Smt. Jyoti Lohokare, APP for the State/Respondent.

PSI M.G. Sangale, Sakinaka Police Station present.

**CORAM :SARANG V. KOTWAL, J.
DATE : 18th SEPTEMBER,2021**

P.C. :

1. None appeared for the applicant. I have heard submissions of learned APP. I have perused investigation papers.

The Investigating Officer is present in the Court.

2. The Applicant is seeking anticipatory bail in connection with C.R.No. 744 of 2018 registered at Sakinaka Police Station, Mumbai, under sections 354, 323, 504 of the Indian Penal Code.

3. The FIR is lodged by the victim of the incident that had occurred on 28/10/2018. She has stated that, she alongwith her four to five friends had gone to a Discotheque on 28/10/2018 at about 12.10 a.m. There was another group of 10 to 15 persons. One of them tried to get close to the first informant. He touched her indecently. She ignored him and came near her own group. At about 2.30 a.m. again the same thing was repeated. The informant's friend questioned that person. Then there was quarrel and fight. First informant's friend Manish was assaulted with kick and fist blows. One of the persons threw a beer bottle on the floor. Because of the broken piece of glass, the first informant and her friend suffered bleeding injury on their feet. Security guards of the discotheque took the informant to the hospital for treatment. The FIR mentions that Manager of that discotheque gave phone number of the person who had caused this incident. On this basis the FIR is lodged. Phone number of that person is mentioned in the FIR.

4. The applicant was protected by interim order dated

17/12/2019 passed by this Court (Coram: Sandeep K. Shinde, J.). It was observed that though the offence was registered in October 2018, till December 2019, there was no material progress in the investigation.

5. The same situation continued till today. The incident is quite old. The investigating agency has not even bothered to record the statement of the Manager who had given the phone number of that person. I have perused the injury certificates. The informant and her friend had suffered bleeding injuries because of broken piece of glass. The main offence is under section 354 of the I.P.C. and for that purpose identity of the culprit is material. However, for about three years there is nothing on record to show connection of the present applicant with the crime. Even the statement of the Manager was not recorded.

6. I have considered all these aspects. The incident is quite old. Custodial interrogation of the applicant will not serve any purpose.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.744 of 2018 registered with Sakinaka Police Station, 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) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)