

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 416 OF 2022

Balraj Jagdish Talla Applicant
Versus
The State of Maharashtra Respondent

Ms. Anjali Patil for the Applicant.

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

CORAM :SARANG V. KOTWAL, J.

DATE : 16th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with CR No.470 of 2021 dated 19th December, 2021 registered with R.A.K. Marg Police Station under Section 324 r/w with Section 34 of the Indian Penal Code. Subsequently, Section 307 of the Indian Penal Code is added.

2. Heard Ms. Anjali Pati learned counsel for the Applicant and Smt. Sharmila Kaushik, APP for the Respondent / State.

3. The FIR is lodged by Nikhil D'souza. He has stated that he is a lawyer. On 18th November, 2021, he had received threatening call on his facebook made by one Subham Sharma. On 18th December, 2021 at about 10.15 pm, when he was taking a walk in front of his building

with his father, at that time, one motor bike approached him. There were two persons riding on the bike. One of them, gave a blow on his head with a sharp blade. On this basis, FIR was lodged. The assailants were not known to the informant.

4. Learned counsel for the Applicant submitted that the Applicant has absolutely no role in the incident. The injury caused was simple in nature and therefore, the Applicant's custody is not necessary.

5. Learned APP opposed the Application. She has produced investigation papers before me. She submitted that the Applicant has played vital role in the alleged crime. There are CDR record indicating the involvement of the Applicant in the incident in question. There are frequent calls between the Applicant and co-accused. She submitted that the Applicant is the main conspirator. He had hired the assailants. The custodial interrogation of the Applicant is necessary.

6. I have perused the FIR. Injury certificate shows that the informant has suffered one simple injury 4.5 cm in length on right temporal region. The injury is not grievous. As far as threatening call is concerned, the investigation agency has recorded a statement of the person who had made this phone call at the instance of one Hemant Machhindra Yadav @ Bhau. Hemant had offered him Rs.25,000/- to assault the Informant. However, subsequently this witness did not take

steps. Except for the phone calls, there is no material against the present Applicant. There is no reference about any previous enmity or motive as far as the present Applicant is concerned. The Applicant admittedly was not the assailant. The Applicant has not played any role. The calls with the accused Bahu will not, in any case, connect the Applicant's with the present crime. The injury is simple. In this background, the Applicant's custody is not really required. There is no strong material against him.

7. Hence the following order:

- (i) In the event of his arrest in connection with CR No.470 of 2021 registered with R. A. K. Marg Police Station Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station on 1st, 2nd and 3rd March, 2022, between 04.00 p.m. to 05.00 p.m. In addition to this, the Applicant is directed to attend the concerned Police Station as and when called and he shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)