

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

ANTICIPATORY BAIL APPLICATION NO.711 OF 2022

Akhilesh Atmaram Gupta

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Ms Neelam Ghorpade for the Applicant

Mr. M.G. Patil, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 16th MARCH, 2022.

P.C.:-

1. By this application filed under Section 438 of the Cr.P.C., the Applicant has sought pre-arrest bail apprehending his arrest in Crime No.28 of 2022 registered with Samtanagar Police Station, Mumbai, for the offences punishable under Sections 323, 337 and 452 r/w 34 of the IPC.

2. Heard Ms Neelam Ghorpade, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records indicate that the aforesaid crime was registered pursuant to the FIR lodged by Krishnaji Kesari. It is alleged that on 24/01/2022 at about 14.30 hours the Applicant went to his shop with three persons, and threw an open bottle of Phynile on his face. There was scuffle between the Complainant, Applicant and the three persons who had accompanied him. The Complainant claims that the Applicant and others pushed him on the cupboard.

4. The records reveal that the Applicant had lodged a complaint against the Complainant on 10/02/2022, alleging that the Complainant had agreed to purchase a shop from him for Rs.82,00,000/-. The Complainant paid Rs.31,00,000/- and avoided paying the balance amount. The Applicant also alleged that the Complainant had forged some documents.

5. The records reveal that there is pending dispute between the parties. The crime against the Applicant is registered subsequently possibly as a counter blast to the FIR lodged by the Applicant. Applicant is the resident of Mumbai and there are no chances of his absconding and thwarting the course of justice. Under the circumstances, in my considered view this is a fit case for grant of bail.

6. Hence, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No. 28 of 2022 registered with Samtanagar Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/-with one or two sureties in the like amount.

(ii) The Applicant shall report to the Investigating Officer for a period of four days from 21st March, 2022 between 10.00 a.m. to 1.00 p.m. and thereafter as and when directed by the investigating officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)