

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

ANTICIPATORY BAIL APPLICATION NO.780 OF 2022

Swapnil Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. S.R. Phanse with Mr. Sujit Lahoti and Mr. Parth Shah i/b. M/s. Sujit Lahoti and Associates for the Applicant.

Ms Rutuja Ambekar, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd MARCH, 2022.

P.C.:-

1. This is an application under Section 438 of the Cr.PC. filed by the Applicant for pre-arrest bail apprehending his arrest in Crime No.57 of 2022 registered with Mahim Police Station, Mumbai for offences punishable under Sections 307 r/w 34 of the IPC.

2. Heard Mr. S.R. Phanse, learned counsel for the Applicant and Ms Rutuja Ambekar, learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

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3. The Complainant is working as a delivery boy at Big Bazar Jio Mart, Mahim. The Applicant is the union leader. The FIR reveals that the Complainant had earlier complained about payment of Rs.600/- to delivery boys. The grievance of the Complainant was that members of the union were being paid more money than the employees, who are not the members of the union. The FIR reveals that there was altercation between the Complainant and the Applicant and the co-accused. It is stated that the co-accused Mustafa and the Applicant had assaulted him.

4. The FIR itself reveals that the Complainant had first assaulted the Applicant and Mustafa by a metal knuckle and inflicted injuries by knife and that the co-accused Mustafa retaliated by assaulting the Complainant by a metal pipe. The records further indicate that the co-accused Mustafa had also lodged the FIR against the Complainant for assaulting him and the Applicant. The FIR does not prima faice indicate that the Applicant was involved in inflicting any injury on the Complainant.

5. Considering the nature of accusations levelled against the Applicant and the material in support thereof, in my considered view this is a fit case for grant of pre-arrest bail. Hence, the application is allowed

on following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.57 of 2022 registered with Mahim Police Station, Mumbai, the Applicant shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall report to the investigating officer for a period of four days from 25/03/2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)