

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

ANTICIPATORY BAIL APPLICATION NO.824 OF 2022

Ankit Narayan Mhatre

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Shekhar A. Ingawale for the Applicant.

Ms Rutuja Ambekar, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th APRIL, 2022.

P.C.:-

1. This is application under Section 438 of the Cr.PC. filed by the Applicant apprehending his arrest in C.R. No.49 of 2022 registered with N.R.I. Sagari Police Station, Navi Mumbai, for offences punishable under Sections 143, 147, 149, 397 and 506 r/w 34 of the IPC.

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

3. The aforesaid crime was registered pursuant to the FIR lodged by Jitendra Baijnath Gupta. The FIR prima facie reveals that on

10/02/2022 at 2.30 a.m. the Complainant had received a phone call from his friend and that she had called him to a Dhaba run by the Applicant herein. The records indicate that the Complainant had been to the said Dhaba and he and the Applicant had food and drinks. The Applicant paid the money of wine bottle, which he had taken from the Complainant and the Complainant also cleared the food bill. It is stated that after the Complainant left the hotel, some of the waiters working in the said Dhaba called out to him and sat in his car. Brother of the Applicant also came on a Scooty and assaulted him. He has stated that subsequently about 5 to 6 persons gathered around him and dragged him out of the car and assaulted him with kicks and blows. The Applicant also reached the place of the incident and he too assaulted him with kicks and blows. The Complainant has alleged that his gold chain worth Rs.1,95,000/- was snatched by one of the assailants.

4. The alleged incident had occurred on 10/02/2022. The FIR itself indicates that the Complainant had been to the police station on the same night but he did not report the incident to the police and reported the FIR after 3 days. There is thus delay in lodging the report. The FIR does not attribute any motive, particularly after wining and dining together immediately before the alleged incident.

5. In view of the above facts and circumstances, this is a fit case for grant of pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.49 of 2022 registered with N.R.I. Sagari Police Station, Navi Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.35,000/- with one or two solvent sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of four days from 11/04/2022 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 number, and/or change of residence or mobile details, if any from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)