

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1279 OF 2021

Akash Ulhas Naik ...Applicant

Vs.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.536 OF 2022

IN

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1279 OF 2021

Rohit Devidas Nadkarni ...Applicant

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr.Tapan Thatte for the Applicant.

Mr.A.R. Kapadnis,APP for the Respondent-State.

Mr.P.K. Sanghrajka a/w Mr.S.R. Samel for the Intervenor.

Mr.T.T. Kolekar, P.H.C./482, Banda Police Station.

CORAM : C.V. BHADANG, J.

DATE : 18 FEBRUARY 2022

P.C.

. The Applicant, Akash Ulhas Naik apprehending arrest, in connection with the investigation of Crime No.11 of 2021 registered with Banda Police Station, under Section 324, 504 and 506 of the Indian Penal Code, is seeking anticipatory bail.

NILAM
SANTOSH
KAMBLE

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2022.02.21
14:30:21 +0530

2. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor assisted by the learned counsel for the Respondent-Complainant. Perused record.

3. *Prima facie* it appears that the injured had sustained three simple injuries. Initially an offence under Section 324 of Indian Penal Code was registered and subsequently Section 307 of Indian Penal Code came to be added.

4. The learned Additional Public Prosecutor on instructions from the Investigating Officer who is present states that the Applicant has attended in pursuance of the interim order and co-operated with the investigation and all the recoveries have already been made. He submitted that the investigation is complete and the charge-sheet is filed. The learned Additional Public Prosecutor therefore, submitted that appropriate order may be passed.

5. The learned counsel for the Respondent-Complainant submitted that the incident had happened in the presence of the Police Officer and there is a common complaint lodged about 98 residents from the locality about the general conduct of the Applicant. It is also pointed out that there is a

chapter case initiated against the Applicant in respect of breach of public peace.

6. I have considered the submissions made. As noticed earlier the injured is shown to have suffered three simple injuries. Initially an offence under Section 324 of the Indian Penal Code was registered and subsequently an offence under Section 307 was added. The investigation is complete and charge-sheet is filed and all the recoveries are stated to be made.

7. In that view of the matter, I find that the Application can be disposed of subject to the conditions in order to take care of the apprehension about the conduct of the Applicant. Hence, the following order.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.11 of 2021 registered with Banda Police Station, the applicant Akash Ulhas Naik shall be released on bail on executing a P.R. Bond 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, on First Monday of every month, between 11.00 am to 1.00 p.m. and as and when called by the

investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions liberty to the prosecution to apply for cancellation.

(v) The Criminal application as well as Interim Application for intervention is disposed of accordingly.

C.V. BHADANG, J.