

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1324 OF 2022**

Sanjay Surve .. Applicant

Versus

State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO.1565 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1324 OF 2022**

Amisha Ajit Singh .. Applicant

Versus

State of Maharashtra & Anr. .. Respondents

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Mr.Brijesh Rathod i/b V. K. Dubey Associates for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

Ms.Ruchi Parmar i/b Ms.Pranothi B. Parmar for the Intervenor.

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**CORAM: BHARATI DANGRE, J.
DATED : 08th JUNE, 2022**

P.C:-

1. The applicant is apprehending his arrest in C.R.No.210 of 2022 registered with Charkop Police Station, Mumbai invoking

Sections 324, 354, 354-D, 504, 506(2) read with Section 34 of the I.P.C. At a later stage, an offence punishable under Sections 376 and 377 of the I.P.C. also came to be added.

2. The complainant approached the Charkop Police Station on 02/04/2022 in relation to an incident of assault, which took place on 01/04/2022 and the applicant was named as the main accused in the said complaint alongwith two other persons. The complaint narrated that the complainant and her sister are working as singers with local bar and she was introduced to the applicant three years back. The complainant admitted that she shared cordial relationship with him, but since the applicant started misbehaving from the last one year, she stopped talking with him. Despite she avoiding the applicant, the complainant alleged that he was stalking her and threatened her that if she do not render co-operation to him, she has to face dire consequences.

Ultimately, on 01/04/2022 at 10.30 p.m. when she was on her way to the workplace, one person intercepted her and misbehaved with her. At that time, the applicant alongwith two unknown persons arrived at the spot and assaulted her with a sharp weapon like blade and she took the assault on her face and back. Her sister, who was accompanying her, was also

assaulted on her right arm and right thigh, which resulted into bleeding injury. The complainant and her sister were also abused and threatened and the applicant and two other persons left the spot.

3. On the incident being reported, the victims were referred to for medical examination and the photographs of the injuries are placed on record.

The medical certificates from the General Hospital, Malvani-Malad (W), Mumbai, on examining the victims at around 11.00 p.m. on 01/04/2022, are also tendered by the learned A.P.P. As far as the complainant is concerned, she has sustained the following injuries :-

- (i) Incised wound on left lat side of back at lower 1/3 area of 7 X 0.5 X 0.5 cm;
- (ii) Incised wound on back medially of 5 X 0.5 X 0.1 cm;
- (iii) Incised wound on left lat side of back near scapular region of 7 X 0.1 X 0.1 cm.

Her sister has sustained two incised wounds on right arm and on right thigh with a description of 20 X 1 cm skin deep and 18 X 0.5 cm skin deep respectively.

4. The offence invoked is under Sections 324, 354, 354-D, 504, 506 (2) of the I.P.C. Prima facie, looking to the nature of the injuries, the offence punishable under Section 324 is made out. As far as Sections 354 and 354-D are concerned, the complainant has specifically narrated that she was stalked by the applicant and considering the said allegation, custodial interrogation of the applicant is very much necessary.

5. Though the learned counsel for the applicant has vehemently denied his involvement, and has argued that the applicant shared cordial relationship with the complainant, it can be seen that there is no reason why the complainant had implicated him of all the persons and she has given the background in the complaint to the effect that despite of her protest, the applicant was desirous of continuing the relationship with her and at times, sought sexual favours from her and on her refusal, assaulted the complainant and her sister.

The aforesaid accusations against the applicant, being serious in nature, warrant custodial interrogation and he cannot take benefit of the friendship shared with the complainant once upon a time.

The application stands rejected.

In view of disposal of the bail application, interim application does not survive and stands disposed off.

(SMT. BHARATI DANGRE, J.)