

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1666 OF 2022

Nilesh Sunder Shetty .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Shailesh Kantharia for the applicant
Smt. Mallika Ingale for complainant
Mr.S.H. Yadav, APP for the State.
Mr. Bramhanand Suryavanshi, API

CORAM: BHARATI DANGRE, J.
DATED : 24th JUNE, 2022

P.C:-

1 At the outset Ms. Mallika Ingale learned counsel appearing for the complainant seeks permission to file Vakaltnama. Permission granted.

2. The applicant is apprehending his arrest in CR No. 873 of 2022 registered with Dahisar Police Station invoking section 326, 324, 323, 504, 506(ii) r/w 34 of I.P.C. The Complainant is one Shubham Singh who has narrated about an incident dated 6/05/2022 by alleging that at around 00:30 hrs when he along with his friend left the hotel after having dinner, two persons where present in the hotel blocked his way and questioned him

about blocking their way. Some verbal altercation took place between them and it is alleged that they started abusing the complainant and threatened to assault.

Despite pacifying them, two other persons also arrived at the spot and it is alleged that one of them assaulted him on his forehead whereas other assaulted him by means of some steel weapon, which resulted into bleeding injury. His friend Kushal is also alleged to have been assaulted. Though in the beginning the name of the persons who were the assailants was not given, at the end of the complaint, he named the applicant and his friend Sandy and two unknown persons who were responsible for the assault.

3 The very same incident is reported to the police Station by the applicant, pursuant to which CR No. 880 of 2022 came to be registered invoking section 323, 324, 504, 506 r/w section 34 of I.P.C. against Shubham, Kushal and his friends. The said complainant alleged that the accused persons assaulted them resulted into bleeding injuries.

4 It is apparent that in the two cross FIRs the persons who are accused, are also the injured, which include the present applicant.

Today the learned Advocate appearing for the complainant informed me that the applicant and the complainant are resident of the same locality and they have arrived at consent terms and have even approached this Court by filing a writ petition seeking

quashment of both the FIRs, which contain counter allegations.

5 The Affidavit has been filed in the said petition stating that the complainant has no objection in quashing the FIR.

Considering the aforesaid, no custodial interrogation of the applicant is necessary. Hence the following order.

ORDER

- (a) In the event of his arrest, the Applicant – Nilesh Sunder Shetty in connection with C.R.No. 873 of 2022 registered with Dahisar Police Station, shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall report to the Police Station on Monday and Thursday between 10.00 am to 2.00 p.m for a period of two weeks and thereafter as and when called.
- (d) It is made clear that if the applicant indulge himself into any such incident, the prosecution

will be at liberty to apply for cancellation of the protection granted to the applicant.

5 Application disposed off.

(SMT. BHARATI DANGRE, J.)