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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1789 OF 2022

Sanjay Ashoklal Kukreja .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Ganesh K. Gole with Mr.Ritesh Ratnam for the Applicant.

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

Mr.B.M.Jadhav, PSI present in the Court.

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CORAM: BHARATI DANGRE, J.

DATED : 12th JULY, 2022

P.C:-

1. The applicant faces the accusations under Sections 326, 452, 504, 506 and Section 397 of the I.P.C., which has been subsequently added, upon a supplementary statement of the complainant being recorded.

The applicant is apprehending his arrest in the said crime.

2. On the last date, the learned A.P.P. was asked to peruse the CCTV footage and today, the learned A.P.P. has placed on

record the panchanama of the said footage which records the happenings outside the flat of the complainant and wherein it is recorded that the applicant is seen climbing the staircase at around 17.35 to 17.36 hrs. and at about 17.46 to 17.48 hrs., the applicant is seen to be leaving the building and the complainant is running behind him.

3. Admittedly, the CCTV footage does not record the happenings inside the complainant's house, which form the subject of the crime.

4. The complainant states that he had borrowed a sum of Rs.30,000/- from the present applicant with an assurance that he will be repaying a sum of Rs.1,000/- everyday, but there was a default and the applicant was demanding the money.

5. It is alleged that on 22/05/2022, the applicant accompanied by his wife and one boy working with him, visited his house and abused him for not returning the amount. It is alleged that he hit him with an iron bangle, which he was wearing, and assaulted him in his head and a blow was also given on his nose, which resulted into a bleeding injury. It is alleged that the complainant's wife also tried to pacify the applicant, but he left the premises. This resulted in registration of the C.R. and in the wake of the injuries suffered,

Section 326 of the I.P.C. was invoked. The complainant was admitted in the hospital for the said injuries and came to be discharged on 26/05/2022. He reported the incident to the police on 28/05/2022 and in respect of an incident, which took place on 22/05/2022, the F.I.R. came to be registered.

The complainant got his supplementary statement recorded on 04/06/2022 where he improves his version and states that his mobile phone was also snatched.

6. Even assuming that the complainant was hospitalized till 26/05/2022, no explanation is offered as to why the complaint is lodged after two days of his discharge. Further, the complainant had enough time to ponder over the incident, but his complaint dated 28/05/2022, makes no reference of snatching of mobile and the said allegation came at much later stage. Learned counsel Mr.Gole appearing for the applicant has specifically submitted that the complainant has issued him a cheque of Rs.1,00,000/- and on it's presentation for encashment, it was dishonoured. But, this fact is not revealed in the complaint, which show his intention to avoid the responsibility.

7. Considering the fact that the role attributed to the present applicant has clearly surfaced on record and he is accused of Section 326, learned counsel for the applicant states that the applicant shall render his co-operation to the Investigating Officer, by reporting to the police station and will also hand over the iron bangle in his hand, which has been considered to be a weapon for assaulting the complainant. As far as the mobile is concerned, since the said accusation comes at a much later stage, I do not think that for the purpose of recovery of mobile phone, the applicant must undergo custodial interrogation. In the wake of the above, the applicant deserves a protection in the event of his arrest. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.235 of 2022 registered with Ulhasnagar Police Station, Thane (city), applicant-Sanjay Ashoklal Kukreja 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.

(c) The applicant shall report to the concerned police station on 14th and 15th July, 2022 between 3.00 p.m. to 5.00 p.m. and, thereafter, as and when called for.

(d) 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.

(SMT. BHARATI DANGRE, J.)