

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3084 OF 2022**

Santosh Ravi Alkunte .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr. Aniket Nikam i/b Mr. Nihal Mansuri for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State/Respondent.

Mr. Atul Mali, API, Dindoshi Police Station.

**CORAM: BHARATI DANGRE, J.
DATED : 10th NOVEMBER, 2022**

P.C:-

1. The applicant is apprehending his arrest in connection with C.R No. 272 of 2022 registered with Dhindoshi Police Station on 21/3/2022, on a complaint filed by one VijayKumar Ojha. The said C.R. invoke offences under sections 323, 324, 394, 504 r/w 34 of IPC.

2. It is the case of the complainant, that on 20/03/2022 the applicant ask the complainant to pay the maintenance amount as the applicant's mother is the Chairman of the Society and the complainant refused to do so, and he became abusive. The complainant has filed the complaint by stating that, while he was

going to his home, the applicant's sister stopped him in front of a building and questioned him about filing of the complaint. It is alleged that the applicant's sister also entered into a quibble and the applicant hit him on the left eye brow with the sharp object like knife causing injury to him. He somehow managed to escape from the spot and filed the complaint against the applicant and his sister. While the complaint was lodged it was stated that a gold chain and mobile went missing.

3. A supplementary statement came to be recorded by him on 22/03/2022, where he improved his version, on the basis of the CCTV footage, when he alleged that it did not go missing but the applicant snatched the chain and therefore he assumed that even his mobile must have been stolen by him.

4. The injury certificate is collected during the course of investigation and the learned APP has placed the same on record. It refers to a swelling on the forehead as well as the CLW near left eye brow, which are simple injuries.

As far as the CCTV is concerned the pendrive has been obtained and the panchnama under which the pendrive is taken into possession by the Investigating Officer only reflect that the

applicant and his sister are assaulting the complainant by holding him by his collar, there is no reference of snatching of the chain. The panchnama dated 6/04/2022, do not fortify the version of the complainant.

5. In the wake of the above I do not think that the custodial interrogation is warranted though the Investigating Officer Mr. Atul Mali, who is present in the court insist that his custody is required for the purpose of seizure of the knife. Surprisingly, there is not a reference to the particular weapon as being knife but what the complainant state that, he was assaulted by a sharp weapon like knife. The Investigating Officer must necessarily draw a distinction between a power to arrest and the necessity to effect an arrest in an offence like this when the complainant is improving the version on the basis of the CCTV footage, which has been seized in form of a pendrive, which do not fortify the version. The applicant therefore deserve protection from arrest by the following order.

: ORDER :

- (a) Application is allowed.

(b) In the event of arrest Applicant Santosh Ravi Alkunte shall be released on bail in connection with C.R.No. 272 of 2022 registered with Dhindoshi Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall report to the concerned Police Station on two consecutive Thursday between 2:00 p.m to 5:00 p.m and thereafter as and when directed.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)