

GRM

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

ANTICIPATORY BAIL APPLICATION NO. 3200 OF 2022

ASHISH NIRMAL CHAUHAN ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Nitin Gaware Patil, Adv. for the applicant.
Ms. A. A. Takalkar, APP for the Respondent-State.
Mr. Shinde, PSI attached to Ulhasnagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2022.

P.C. :

1. Heard learned Counsel for the applicant.
2. This is an application for anticipatory bail in respect of C.R. No. 454 of 2020 registered with Ulhasnagar Police Station, Thane City, for the offence punishable under Sections 326, 323, 324, 504, 506 read with 34 of the Indian Penal Code, 1860. Subsequently, Section 307 of IPC was invoked.
3. Case of the prosecution is that, the complainant Raisaheb Ramsagar Yadav has alleged that on 20th December, 2020, there was a quarrel with Ashish Chauhan while parking auto-rickshaw. The complainant intervened

and told Ashish Chauhan and Shivmohan Yadav not to quarrel. At that time, Rahul Chauhan came with the weapon and assaulted the complainant on his head. Brother of the complainant Lalsaheb Yadav intervened. Rahul Chauhan also assaulted him by giving blow on the abdomen by weapon. Thereafter, Jitesh Yadav intervened. He was also assaulted. At that time, Ashish Chauhan, Ramnaval Chauhan and Sajan Taag had assaulted Shivmohan Yadav and caused injuries. In the past, there was quarrel between the complainant and Rahul Chauhan and the offence was registered in that regard.

4. The submission of learned Counsel for the applicant is that the applicant has been falsely implicated in this case. A cross case was registered against the opponents. The role attributed to the applicant is vague. There are no criminal antecedents against the present applicant. The applicant need not be subjected to custodial interrogation. One of the co-accused is arrested.

5. The learned APP for the State submitted that there is ample material to show that the applicant is involved in the present offence. He, therefore, prayed that this application

should be rejected.

6. My attention is invited to the order dated 22nd September, 2021 passed by this Court in the Anticipatory Bail Application No. 1846 of 2021, whereby the co-accused (Ramnaval Chauhan) has been granted pre-arrest bail by this Court.

7. The role of present applicant Ashish Chauhan is similar in nature to that of the role attributed to one Ramnaval Chauhan, who has already been granted pre-arrest bail, against whom the vague allegations are made.

8. So far as the injuries sustained by the injured witness Shivmohan Yadav is concerned, the said injuries are caused by Rahul Chauhan.

9. In this view of the matter, the applicant deserves to be released on anticipatory bail. Hence, I pass the following order :-

ORDER

1. Anticipatory Bail Application No. 3200 of 2022 is allowed on the following terms :-

a. In the event of arrest of the applicant in connection with C.R. No. 454 of 2020 registered with

Ulhasnagar Police Station, Thane City, the applicant Ashish Nirmal Chauhan be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

b. The applicant shall report to the investigating officer on 8th, 9th & 10th December, 2022 and thereafter as and when called.

2. Anticipatory Bail Application No. 3200 of 2022 stands disposed of accordingly.

(M. S. KARNIK, J.)