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

ANTICIPATORY BAIL APPLICATION NO.3446 OF 2022

Aditya Suryakant Tiwari ..Applicant
vs.
State of Maharashtra ..Respondent

Mr. Shubham Tripathi, for applicant.
Mr.N.B. Patil, APP for respondent-State.
Mr. V.S. Chimdo API, Samta Nagar Police Station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2022

P.C. :

1. Heard learned counsel for the applicant. This is an application for grant of pre-arrest bail in respect of offence punishable under sections 141, 143, 145, 326, 323, 149, 504 of the Indian Penal Code, which is alleged to have been taken place on 16/10/2022. It is registered vide C.R. No. 1363 of 2022 with Samta Nagar Police Station.
2. The application for bail is opposed by the learned APP.
3. Learned counsel for the applicant invited my

attention to the order dated 28/11/2022 passed by this Court by which co-accused – Sahil Sikandar Gauri was granted pre-arrest bail. The relevant portion of the order is produced which reads thus :

“3. It is alleged that the present application has been filed as a counterblast to one C.R. No. 1362 of 2022 lodged by the group which the applicant allegedly belongs. It is contended by learned counsel that the CR at the instance of applicant’s group is first in point of time.

4. So far as the CR under which the applicant is implicated, the informant suffered a fracture injury on the right hand finger. The medical report records that the injury is grievous.

5. It is alleged that the applicant was present at the time of the incident. The iron rod which was used by one of the co-accused which was the cause for the injury, has been seized. The applicant was not in possession of any weapon. No role has been attributed to the applicant except saying that he was present. The case for grant of pre-arrest bail is made out. Furthermore, nothing is to be recovered. There are cross complaints. The custodial interrogation in such circumstances, in my opinion, is not required as the weapon has already been recovered. The anticipatory bail application deserves to be allowed. Hence the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 1363 registered with Samata Nagar Police Station, the applicant –Sahil Sikandar Gauri be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in 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 attend the concerned police station on 31/11/2022, 01/12/2022 and 02/12/2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when required by the Investigating Officer."

4. The injury certificate reveals that the injury by blunt object is on the little finger of the complainant which is stated to be grievous. The applicant is alleged to be the author of the injury. The iron rod which was used by the applicant is recovered. There is nothing to be recovered at the instance of the applicant. The injury is not on the vital part of the body. Having regard to the fact that there is C.R. No. 1362 of 2022 which was lodged by the group which the applicant allegedly belongs is first in point of time, the applicant, in my opinion, can be released on pre-arrest bail. The custodial interrogation in this case therefore is not necessary considering the nature of the allegations. Hence, the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 1363 of 2022 registered with Samata Nagar Police Station, the applicant –Aditya Suryakant Tiwari be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in 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 attend the concerned police station on 26/12/2022, 27/12/2022 and 28/12/2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when required by the Investigating Officer. In any case, the applicant to report the concerned police station once in a month on every Monday, between 11.00 a.m. and 1.00 p.m.

5. The application is disposed of.

(M. S. KARNIK, J.)