

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

**ANTICIPATORY BAIL APPLICATION NO.899 OF 2023**

Anand Budaji Parab @ Babban

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Deepak Gautam with Ms Nandini Vasaikar i/b. Mr. Pradeep Shukla  
for the Applicant.

Mr. S.H. Yadav, APP for Respondent No.1-State.

Mr. D.S. Patil, API, Kurar Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 17<sup>th</sup> APRIL, 2023.**

**P. C. :-**

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.140 of 2023 registered with Kurar Village, Mumbai, for the offences punishable under Sections 323, 324, 363, 342, 504 and 506 (2) r/w 34 of the IPC.

2. Heard Mr. Deepak Gautam, learned counsel for the Applicant and Mr. Yadav, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Pankaj Tripathi. A perusal of the FIR prima facie reveals that there was quarrel between Gajendra Shah and Prathamesh Nalawade over parking of the vehicle. On 24/02/2023 the First Informant received a call on his mobile from unknown number and asked him his location. He told the said person that he was at Appapada Riksha Stand. Immediately thereafter co-accused-Sunil Jadhav and one unknown person approached the First Informant and enquired about Gajendra Shah and dragged him towards Marwadi Riksha Parking. He has stated that the Applicant, who was present at the said Riksha Parking, questioned him about Gajendra and his whereabouts. Being irked by the fact that the First Informant was unable to divulge any information, the Applicant abused and assaulted him with a bamboo stick. The Applicant and others made him sit in a Wagon R car and took him to Lokhandwala Maidan and assaulted him by kicks and blows and thereafter dropped him at Popat compound, Appapada.

4. The Allegations in the FIR do not prima facie disclose the essential ingredient of offence under Section 363 of the IPC. Learned APP states that the injuries sustained by the First Informant are simple in nature.

5. Considering the above facts and circumstances, this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.140 of 2023 registered with Kurar Village,

Mumbai, the Applicant shall be released on bail

on furnishing PR bonds in the sum of

Rs.25,000/- with one or two sureties to the like

amount;

(ii) The Applicant shall report to the concerned

Investigating Officer for two days from

20/04/2023 between 10.00 a.m. to 2.00 p.m.

and thereafter as and when required by the

Investigating Officer;

(iii) The Applicant shall not tamper with the

prosecution evidence and or influence the

witnesses in any manner.

(iv) The Applicant shall keep the Investigating Officer

informed of his current address and mobile

contact numbers, and /or change of residence or

mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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