

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

ANTICIPATORY BAIL APPLICATION NO. 1010 OF 2021

Kunal Kishore Kerkar	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Amit Icham a/w. Aniket Nikam i/b. B.P. Shukla
for the Applicant.

Mrs. A.A. Takalkar, APP for the State.

Mr. Sandip Mhaske, API, Borivali Police Station, Mumbai, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th JUNE, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.143/2021 registered with Borivali Police Station, Mumbai for offences punishable under sections 323, 332, 341, 353, 427, 501, 506(2) r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Anand Sitaram Aghav, who was a Sub-engineer of Municipal Corporation. He had alleged that on 09/03/2021, while he was discharging his lawful duties, the Applicant along with others assaulted him by kicks and blows and obstructed him from discharging his lawful duties. The crime was

registered in the year 2021. The Applicant was granted interim bail on 09/04/2021. Learned APP states that pursuant to the said order, the Applicant has reported to the Investigating Officer. It is seen that though the crime is of the year 2021, charge sheet is not filed till date. No justifiable reasons are given for the delay in filing the charge sheet. Considering the above facts and circumstances and particularly the nature of the allegations, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.143/2021 registered with Borivali Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required ;

(c) The Applicant shall not interfere with the prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) 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.

3. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)