

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

ANTICIPATORY BAIL APPLICATION NO. 508 OF 2021

Takdir Prakash Patil

Age : 35 Years, Occu. : Service,

R/at : Durga Devi Pada,

Ambernath Gaon, Ulhasnagar-421005.

District : Thane, Maharashtra.

...Applicant

vs.

1. The State of Maharashtra

[Through Senior Police Inspector,

Shivaji Nagar Police Station,

2. Akhilesh Tulshi Dubey

Age : 45 Years, Occu. : Business,

R/o. : Dubey Chawl, Kailash Colony,

Ulhasnagar – 5, District : Thane.

...Respondents

Mr.Ravi Chandwani i/b. Mr.Satyam Pille - Advocate for Applicant.

Mr.H.J.Dedhia – APP for the Respondent No.1-State.

CORAM : S. M. MODAK, J.

DATE : 21st MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP

2. The present Applicant is one of the Assailants who assaulted

the First-Informant Akhilesh Dubey on 2nd November, 2017 at 9.00 a.m. He was about to visit Shrikrishna Mandir for giving breakfast to one Pandey Maharaj. He was obstructed near the entry gate of the temple. The present Applicant along with others, threatened him not to go to that temple and otherwise they will kill him. He was assaulted with the help of iron rod. On his complaint, Shivaji Nagar Police Station registered an offence under Sections 307, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860 [“IPC”]. His two Anticipatory Bail Applications were rejected by the Court of Additional Sessions Judge. Last one is on 9th October, 2020. The order mentions about filing of an affidavit by the First-Informant thereby opposing the grant of bail. It is reflected in Para No.6. Para No.4 refers that the First-Informant had given an affidavit dated 15th December, 2018 to the Police Station mentioning that this Applicant is not involved in the incident.

3. Considering above facts and considering the fact that there is a general allegation and no specific roles are assigned, the Applicant deserves to be released on Anticipatory Bail. Earlier, this Court has granted an interim protection. In view of that, following order is passed :-

O R D E R

- (i) Application is allowed.
- (ii) In case of arrest in connection with C. R. No. I - 291 of 2017 of Shivaji Nagar Police Station, the Applicant be released on furnishing Personal Bond and Surety Bond of Rs.25,000/-.
- (iii) The Applicant to give attendance to Shivaji Nagar Police Station on first and third Friday from 10.00 to 12.00 noon until filing of charge-sheet.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.

4. It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

5. Application is disposed of in the aforesaid terms.

6. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]