

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1510 OF 2023

Ashish Satish Nikam	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Satyavrat Joshi i/by Mr. Ashish S. Vernekar, for the Applicant.

Mr. Veera Shinde, APP for the State-Respondent.

Mr.Dilip Shinde, for Intervener (Original Complainant).

CORAM : AMIT BORKAR, J.

DATED : JUNE 7, 2023

P.C.:

1. This is an Application under Section 438 of the Code of Criminal Procedure, 1973, seeking pre arrest bail in connection with C.R. No.229 of 2023 registered with Vita police station, Sangali for offences punishable under Sections 143, 147, 148, 149, 324, 323, 327 of the Indian Penal Code.

2. According to prosecution case, one Satish Sambhaji Nikam is the father-in-law of the informant who executed will deed of his property in the name of the wife of the informant and her younger brother. For this reason Applicant took grudge against the informant. On 24th April, 2023, when the informant had taken with him the gold ornaments from his shop, Satish Nikam along with Yash Nikam came there and asked the informant to accompany them to Vita in four

wheeler vehicle. At about 3:00 pm when they reached Karve, Satish Nikam stopped his vehicle near the construction site of Dhaba of Applicant. There was discussion amongst them. During discussion, accused No.3 started assaulting informant. The Applicant assaulted informant. The other co-accused caused grievous injury to the informant. The informant, therefore, filed report with the respondent No.1-police station.

3. Apprehending arrest, the Applicant filed Application under Section 438 of Cr.P.C. which is rejected by the order dated 11th May, 2023. Aggrieved thereby, the Applicant has filed the present Application.

4. The learned Advocate for the Applicant submitted that he has been falsely implicated. Even as per the case of prosecution, the injuries attributed to the Applicant are simple in nature. There are no criminal antecedents. The Applicant is ready to co-operate with investigation and his custodial interrogation is not necessary.

5. Per contra, learned APP and the Advocate for the informant submitted that considering seriousness of offences alleges against the Applicant, and nature of allegations, the custodial interrogation is necessary. It is also necessary to recover missing ornaments as alleged in the report. It is also necessary to investigate about the unknown person referred in the report.

6. Having considered the submissions and the case diary produced by learned APP, it appears that injuries attributed to the Applicant are simple in nature. Prima facie there is dispute between the parties over immovable property. Considering the nature of injuries and the nature of allegations against the Applicant of assault,

custodial interrogation of the Applicant is not required. Hence, following order:

- a) In the event of arrest of Applicants in connection with C.R. No.229 of 2023 registered with registered with Vita police station, Sangali for offences punishable under Sections 143, 147, 148, 149, 324, 323, 327 of the Indian Penal Code, the Applicant shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand only) along with one or two sureties in the like amount.
 - b) The applicant shall remain present before the concerned police station on 12th, 14th and 16th June, 2023 between 11:00 am to 1:00 pm.
 - c) The Applicant shall cooperate with the investigation and make himself available for interrogation whenever is required.
 - d) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
 - e) The Applicant at the time of execution of bond furnish his address and mobile number to the investigating officer and shall not change the residence without intimation to the investigating officer.
7. The Anticipatory Bail Application stands disposed of.

(AMIT BORKAR, J.)