

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1652 OF 2021

Akshay D. Misal
V/s.

...Applicant

The State of Maharashtra

...Respondent.

Mr. Sushil D. Shinde for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 05.04.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.672 of 2018 registered at Indapur Police Station, Pune for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State.
4. This Court on 28 July 2021 passed the following order:

"1. The applicant is apprehending his arrest in C.R.No. 672 of 2018 filed with Indapur police station on 4th September 2018 on the complaint lodged by one Suraj Mane.

2. Learned counsel for the applicant has invited my attention to a counter FIR vide No. 671/18 registered with the same police station on the complaint filed by the applicant wherein the provisions of Atrocities Act as well the other offences under IPC were invoked.

3. The submission of the counsel for the applicant is that the present C.R in which he is arraigned as an accused is a counter blast to the complaint filed by him and in fact, on sustaining injuries, he was immediately admitted to the Sassoon

General Hospital, Pune and he remain hospitalized in Sassoon Hospital for 15 days. He has placed on record the medical certificate which record deep CLW left elbow but has been referred for further treatment and management. If the applicant is admitted in the hospital on account of the incident which took place on 3rd September 2018, the learned APP should find out as to how he can participate in the report resulting in registration of offence vide C.R.No. 672/18 when the time line of the said crime is alleged to be at 19.00 hours, whereas the complaint lodged by the applicant is prior in point of time.

4. Learned APP is directed to take necessary instructions to that effect. In the mean time, the applicant shall not be arrested till the learned APP gets the necessary instructions.

5. Stand over to 2nd August 2021."

5. The prosecution has already filed the charge-sheet in the year 2019 itself. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No.672 of 2018 registered at Indapur Police Station, Pune for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, the applicant be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]