

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

ANTICIPATORY BAIL APPLICATION NO. 1748 OF 2023

Sachin Kishachand Khatri

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Samir Pradhan i/b. Mr. Amrish Salunke for the Applicant.

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

Mr. Ranjit Jadhav, PI, RCF Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th JULY, 2023.

P.C. :-

. There is a typographical error in the order dated 03/07/2023 wherein in the 2nd line, the name of Aman Kashyap is wrongly typed instead of Kashyap Pathak. The same be corrected to read as '**Kashyap Pathak**'. Necessary corrections be carried out in the order dated 03/07/2023.

2. The Applicant apprehends his arrest in C.R.No.687/2021 registered with Chembur Police Station, Mumbai for offences punishable under sections 141, 143, 144, 147, 148, 323, 326, 504 r/w. 149 of the Indian Penal Code.

3. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Sagar Pathak. The facts narrated in the FIR prima facie reveal that on 26/12/2021, at about 06:30 p.m., there was an altercation between the Applicant and Hitesh Bajaj. It is stated that on the same night, at about 10:45 p.m., the Applicant along with others came to the house of the first informant and assaulted him and his brother. The first informant has stated that the co-accused Shiva Gupta hit a cement block on his head and that the co-accused Aman tried to inflict an injury on him and his friend – Harshad. He further states that the Applicant and others also assaulted his brother – Kashyap. He states that the co-accused Aman inflicted a blow of knife on the back of Kashyap.

5. The FIR and other material on record does not prima facie indicate that the Applicant herein was involved in inflicting any injury on the first informant or his brother – Kashyap. The medical records reveal that Kashyap had sustained abrasions and a laceration which are

simple in nature. Learned APP states that the first informant has collected the original records from KEM Hospital and hence, the Investigating Officer is unable to get the original medical records. She further submits that the copy of the medical records forwarded by the first informant reveals that the injury sustained by him are simple in nature.

6. Learned APP states that the Applicant has criminal antecedents. Learned counsel for the Applicant makes a statement that the Applicant shall not enter the area within the jurisdiction of Chembur Police Station unless required by the Investigating Officer for the purpose of investigation.

7. In the light of the above and considering the role attributed to the Applicant as well as the nature of the injuries sustained by the Complainant and his brother, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. It is to be noted that the investigation has been completed and the charge sheet has been filed. Hence, no case is made out for custodial interrogation. Under the circumstances, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.687/2021 registered with Chembur Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.40,000/- 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 enter the jurisdiction of Chembur Police Station, Mumbai unless required by the Investigating Officer for the purpose of interrogation, till framing of the charge ;

(d) The Applicant shall not interfere with the complainant and the other 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 ;

(e) 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.

8. The Application stands disposed of.

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(SMT. ANUJA PRABHUDESSAI, J.)