

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3193 OF 2022

1. Sunny Mallu Dangar
2. Ashank Ambadas Shinde ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Mikhail Dey i/b Mr. Dinesh Tiwari and Associates for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Sudarshan A., PSI, Sinnar Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 19 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 434 of 2022 registered at Sinnar police station for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 144, 147, 148, 149 and Sections 37(1)(c) r/w. 135 of Maharashtra Police Act.

3. On 21 November 2022, this Court passed the following order:

*“ By this application filed under Section 438 Cr.P.C.,
the Applicants have sought pre-arrest bail in Crime No.434 of
2022 registered at Sinner Police Station for offences under
Sections 143, 147,148, 149, 307, 323, 324, 504 and 506 of*

IPC and Section 37(1)(c) and 135 of Maharashtra Police Act.

2. *Heard Mr. Tiwari, learned Counsel for the Applicants and Mr. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for respective parties.*

3. *The aforesaid crime was registered pursuant to the First Information Report lodged on 11 October 2022 by Anil Shivaji Gade. A perusal of the FIR prima facie reveal that on 8 October 2022, at about 3.00 pm., a group of eight to ten persons had assaulted the complainant. The role attributed to the Applicants is of assault by kicks and blows. The record also prima facie reveal that Eknath Guru Dhangar had also lodged a complaint against the complainant and others for forming an unlawful assembly and causing injuries to Shankar Mallu Mali, who subsequently succumbed to the injuries inflicted in the said incident. The complaint lodged by said Eknath Dhangar was prior in point of time. It is stated that the complainant Anil Gade is arrested in the said crime.*

4. *Considering the above facts and circumstances and particularly the role attributed to the Applicants, the Applicants are granted interim bail till the next date of hearing on following terms and conditions:*

(a) *In the event of arrest of the Applicant in C.R. No.434 of 2022 registered at Sinner Police Station, they shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties in the like amount ;*

(b) *The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.*

(c) *The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;*

(d) *The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.*

5. *Stand over to 5 December 2022.”*

4. Admittedly there is cross First Information Report for the offence punishable under Section 302 of the Indian Penal Code, which is prior in point of time. Even otherwise according to the complainant the present

applicants assaulted him by fist and kick blows. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to allow the present application. Interim order passed by this Court dated 21 November 2022 is hereby confirmed. The application is disposed of.

(N.R. BORKAR, J.)