

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3639 OF 2022

Akash Jayram Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Gaurav Parkar a/w Mr. Shantanu Kadam, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent/State.

Mr. Sunil Appa Holar, P.S.I. Taloja Police Station, present.

CORAM : N.R. BORKAR, J.

DATE : 3 JANUARY, 2023.

PC. :

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 303 of 2022 registered at Taloja Police Station, for the offences punishable under Sections 324, 336, 352, 504, 506 read with 34 of the Indian Penal Code.

3. The present applicant is brother-in-law of the sister of the complainant/injured. According to the prosecution on 5 November 2022, the present applicant and other co-accused assaulted the

complainant. It is alleged that the present applicant assaulted the complainant by iron rod.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. It appears that on the date of incident the present applicant and co-accused, who is brother of present applicant, told the sister of the complainant and the complainant who was present at that time not to demolish toilet and bathroom, which were common to the tenants of applicant and sister of the complainant. It appears that some dispute arose between the parties and according to the prosecution the present applicant assaulted the complainant by iron rod. The incident however, does not appear to be premeditated. The learned APP for the State submits that the nature of injury sustained by the complainant is grievous. However, considering the facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

(i) The Application is allowed.

(ii) In the event of arrest of the applicant- Akash Jayram Patil in Crime No. 303 of 2022 registered at Taloja Police

Station, for the offences punishable under Sections 324, 336, 352, 504, 506 read with 34 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station from 10 January 2023 to 12 January 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when call by the Investigating Officer and shall co-operate in the investigation.

[N.R. BORKAR, J.]