

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

ANTICIPATORY BAIL APPLICATION NO.2669 OF 2021

Nitin Madhukar Gaikwad : Applicant
Vs.
The State of Maharashtra : Respondents

Adv. Satyan Pille, for the Applicant.
Mr. A. R. Metkari, APP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 4TH APRIL, 2024

PC. :

1. Learned Advocate for the Applicant submits that pursuant to order dated 21st March, 2024 the Applicant has attended the Police Station on 23rd & 24th March, 2024. Learned APP accepts this position.
2. This Application is filed seeking bail in the event of arrest in connection with the crime registered with Vithalwadi Police Station, bearing FIR No.64 of 2019 dated 21st February, 2019 for the offence punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148 & 149 of the Indian Penal Code and Section 37(1) and Section 135 of the Mumbai Police Act. The allegation against the present Applicant is that on

20th February, 2019 at 11.45 p.m. he assaulted the informant. It is alleged that the Informant had gone to a Cold drink Shop along with his brother-in-law. There the Applicant came on Motorcycle with one Dipu, he started abusing one Kishan who was standing near the shop, the Informant thereon asked Kishan as to why this Applicant is abusing you, on that altercation took place between the Informant and the Applicant. On that Dipu went and called some other persons to the spot. One Kailash Lalvani assaulted the Informant with the bottle of beer. At that time it is alleged that the Applicant by looking at one Toni started pacifying the dispute. It is further alleged that the present Applicant is having a reputation and because of that people are afraid of him.

3. On this the FIR came to be lodged. Learned Advocate informs that the other persons are already released on Bail/Anticipatory Bail except the present Applicant. There is no specific role attributed to the Applicant. In fact the dispute was going on between Kishan and this Applicant. Looking further, it is seen that in fact it is this Applicant tried to pacify the dispute between the two groups. Only because of the allegation that the Applicant is having a reputation in the society whereby the people are afraid of him is no reason to arrest the Applicant. As it is the FIR was lodged on 21st February, 2019 till today there is no any other allegation

made against the Applicant. Now taking physical custody of the Applicant is of no use. The Applicant has also attended the Police Station as directed by this Court. He thus prays for allowing the Application.

4. Learned APP does not seriously dispute this position. Considering that now no custodial interrogation is necessary, this Court finds that the Application can be allowed. Hence following Order.

ORDER

- a) The Criminal Anticipatory Bail Application No. 2669 of 2021 stands allowed.
- b) The Applicant shall be released on bail in the event of his arrest in connection with FIR No.64 of 2019 dated 21st February, 2019 registered with Vithalwadi Police Station, for the offences punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148 & 149 of the Indian Penal Code and Section 37(1) and Section 135 of the Mumbai Police Act, on bail on furnishing P.R. bond and solvent surety in the sum of Rs.15,000/-.
- c) The Applicant shall not try to contact victim or any person from his family and witnesses.
- d) The Applicant shall keep informed concerned Police Station

about his residential address, mobile number etc. and other contact details till disposal of the trial.

- e) The Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.
- f) The Criminal Anticipatory Bail Applicant stands disposed of.

(KISHORE C. SANT, J.)