

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

**ANTICIPATORY BAIL APPLICATION NO. 1450 OF 2024**

Kanchan Shama Shetty

Age 21 years, Occ. : Student,

R/at.: B/410, Sai Prasad Apartment,

Deepali Park Road, Badlapur (W),

District :- Thane.

..Applicant

Vs.

The State of Maharashtra

(Through Badlapur West Police Station,

Thane, C.R. No.187/2024)

..Respondent

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Mr Siddharth Jagushte a/w. Ms Shivani Kondekar, for the Applicant.

Mr CD Mali, APP for the Respondent – State.

PSI CL Thakare, Badlapur Police Station, Thane.

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**CORAM : R. N. LADDHA, J.**

**DATE : 18 JUNE 2024**

**P.C.**

. Heard Mr Siddharth Jagushte, the learned Counsel representing the applicant, and Mr CD Mali, the learned Counsel representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.187 of 2024, registered at Badlapur West Police Station, Thane, for the offences punishable under Sections 326, 323 read with 34 of the Indian Penal Code.

3. The prosecution alleges that when the first informant took her dog for a walk in the night, the applicant, along with others, assaulted her with a fist and kick blows. It is also alleged that the applicant further assaulted the first informant with a stone, causing her teeth to fall.

4. Mr Siddharth Jagushte, the learned Counsel, appearing on behalf of the applicant, submits that the present crime is a counterblast to the applicant's complaint against the first informant. He further submits that since the first informant's dog had excreted outside the applicant's society, the co-accused, the applicant's mother and friend, tried to talk with the informant about it. However, the first informant responded violently by assaulting the applicant and the co-accused. The learned Counsel asserts that the applicant is innocent and has no criminal antecedents. Moreover, the co-accused have already been granted anticipatory bail by the Sessions Court.

5. Conversely, Mr CD Mali, the learned Additional Public Prosecutor opposing the application, argues that the offence is serious, and if the applicant is enlarged on bail, she may tamper with the prosecution evidence. He submits that the weapon, i.e., a stone, has been recovered from the spot. The investigation is almost complete, and the charge sheet will be filed within a couple of days.

6. Upon perusing the record, it appears that the investigation

is on the verge of completion, and there is nothing further to be recovered from the applicant. The alleged weapon used for committing the crime has been recovered from the spot. The Sessions Court has already granted anticipatory bail to all the co-accused. In such circumstances, the custodial interrogation is unwarranted. The apprehension of the prosecution that the applicant may tamper with evidence can be addressed by imposing appropriate conditions. Given the above, this Court is inclined to allow the present application on the following terms:

(i) In the event of the applicant's arrest in CR No.187 of 2024, registered at Badlapur West Police Station, Thane, the applicant shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall co-operate with the investigation and attend the police station as and when required.

(iii) The applicant shall not, herself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The present application stands disposed of accordingly.

**R. N. LADDHA, J.**