



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

ANTICIPATORY BAIL APPLICATION NO. 3317 OF 2024

SUNIL BIKAS DAS

..APPLICANT

VS.

STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. B. K. Rai a/w. Adv. Rakesh Pande, Adv. Lubna Ansari for the
applicant.

Mr. Nitin Patil, APP for the State.

Adv. Dwivendra Dubey for the complainant/intervener.

PSI Sunil Sonawane (Pairavi), Charkop Police Station.

API Digvijay Patil, Charkop Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : JANUARY 30, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya
Nagarik Suraksha Sanhita, 2023 by the applicant for seeking
anticipatory bail in connection with C.R.No. 497 of 2024 registered
with Charkop Police Station, District Brihanmumbai Shahar for the
offence punishable under sections 309(6), 140(3), 115(2), 118(1),
126(2), 127(2), 352, 351(2), 3(5) of the Bharatiya Nyaay Sanhita,
2023.

2. The prosecution case is that on 28th August 2024, the informant is a tailor who received a call relating to some stitching work. He agreed to do the said work. The informant was taken in auto-rickshaw on the pretext of taking measurements of a bridal wear. However, during the ride, he became suspicious as unknown persons boarded the rickshaw who while the rickshaw was in motion started assaulting him, and took him to a room in Malwani where the applicant and co-accused were present. Once he entered the room, they locked the door and all persons started brutally assaulting the informant with various objects such as hammer, belt and bamboo stick, causing serious injuries to his head, stomach and private parts by cigarette burn. The accused demanded a sum of Rs.1 lakh from the informant and threatened him. Therefore, the informant called his friend to arrange the money. As he was in dire pain, the informant was shouting. After some time, someone from the neighbour knocked on the door of the said flat and enquired as to what was happened. However, some of the accused put their hands to cover the mouth of the informant and released the hand only after the door was locked. They again started brutally beating the informant. Since the pain was not bearable, the informant started making noise, due to which the neighbours started knocking the door, who ultimately rescued the

informant. With great courage the FIR has been lodged. Two of the accused have been arrested and granted bail by the Metropolitan Magistrate.

3. The learned APP has handed over to me the file which contained the medical report of the injuries which the informant had suffered. So also there were photographs of the informant after he was beaten up by the accused persons. Hence, he submitted that the present application deserves to be dismissed.

4. I have gone through the photos and medical report. The learned APP also submitted that the statements of the neighbours have been recorded which specifically named the accused persons including the present applicant. So also, he submitted that there are CCTV footage available by which it can be seen who were the persons, who entered the said room and also a footage while they were leaving the room.

5. The learned counsel appearing for the informant has handed over the photocopy of the N.C. which was recorded by the police of a colleague of the informant on 15th October 2024, as they have been threatened by the present applicant. Going by the documents which are available and taking into consideration the statement recorded in

the FIR, accordingly, no case is made out to entertain the present application.

6. In view of the above, the anticipatory bail application is rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)