

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 144 OF 2025

Ashutosh Deepak Naik

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Ms. Shreya Shrivastava, Advocate for Applicant.
- Mr. Dinesh Haldankar, APP for State.
- Mr. Anil Deore, PSI, RCF Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 17, 2025

P.C.:

1. Heard Ms. Shrivastava, learned Advocate for Applicant and Mr. Haldankar, learned APP for State.

2. This is an Application filed by Applicant apprehending arrest in connection with C.R. No. 649 of 2024 dated 19.12.2024 registered with R.C.F. Police Station for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 3(5) of Bhartiya Nyaya Sanhita.

3. Complaint is filed against Accused No.1 and one unknown person who is shown to be his friend for having caused injury to the Complainant on the date of incident. On 17th December, 2024 at about 10:30 pm both accused were smoking cigarettes on the road near their building in Chembur area situated at Kotwala Estate, Chembur. At that

time Complainant along with one of his employee was returning home from work after closing his shop. Complainant himself approached accused No.1 and gave him unsolicited advice not to smoke cigarettes and ganja on the public road as the said road was used by the public staying in that area. This enraged the accused to retort back initially by having a verbal altercation with the Complainant and he questioned his authority. The said verbal altercation led to hurling of abuses which enraged the Complainant and this situation further led to a scuffle. On being enraged Accused No.1 picked up a stone lying nearby and hit the Complainant on his head. According to Complainant he sustained an injury on the left side of his head.

4. Thereafter, Complainant stated that Accused No.2 viz., unknown friend who is Applicant before me took out a sharp object from his pocket and with that sharp object injured Complainant on his left leg (डावी मांडी) where he sustained two injuries one out of which is an abrasion. Complaint however states that Applicant attacked on Complainant's vital organs which is *prima facie* incorrect when the medical certificate issued by Shiv Hospital/Polyclinic/Nursing Home is seen which certifies that injuries are simple in nature. Said certificate is placed by Mr. Haldankar, learned APP Before the Court from the police file. On perusing the said medical certificate it is seen that Complainant has sustained two injuries which are both certified as

simple injuries due to the hit sustained by the sharp object. Medical certificate does not talk about any head injury sustained by the Complainant.

5. Applicant is 24 years old and is presently working at Precious Life Rehabilitation Centre Virar (East), Dist. Palghar belonging to one Mr. Mohit Prakash Mirani. He lives in Chembur along with his brother. Applicant is the unknown friend of Accused No.1 who was talking with Accused No.1 when the verbal altercation and the scuffle of Accused No.1 started with the Complainant. Though *prima facie* he has played a role in injuring the Complainant learned APP would submit that his custodial interrogation would be required in order to recover the sharp object used in the crime. In my opinion in view of the manner in which the complaint has been filed and custodial interrogation of the Applicant is not required. Nevertheless, Applicant shall cooperate with the Investigation. Applicant shall cooperate with the investigation and attend the Investigation as and when called for by the Investigating Officer.

6. In view of the above, following order is passed:-

ORDER

(i) In the event of the arrest, the Applicant – Ashutosh Deepak Naik, in connection with C.R. No. 649 of 2024 dated 19.12.2024 registered with R.C.F. Police Station for the offences punishable

under Sections 118(1), 115(2), 352, 351(2), 3(5) of Bhartiya Nyaya Sanhita shall be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount;

(ii) Applicant shall attend on all dates of hearing unless specifically exempted by the Trial Court in writing by a speaking order;

(iii) Applicant shall report and participate in the investigation to the concerned I.O. in the Police Station as and when called for by the I.O with two days advanced notice;

(iv) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time, as applicable;

(v) Applicant shall not misuse his liberty in any manner or to influence any witnesses in any way; and

7. Infraction of the above conditions shall immediately entail cancellation of this order.

8. Application stands allowed and disposed.

[MILIND N. JADHAV, J.]