

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

**CRI. ANTICIPATORY BAIL APPLICATION NO.1688 OF 2018**

Thiveni Rambahat Yadav &Ors.

.. Applicants

**Vs.**

State of Maharashtra

.. Respondent

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Ms.Shreya J. Shrivastava a/w. Mr.Kunal V. Phade, Advocate for the Applicants.

Mr.Y.M. Nakhwa, APP for the Respondent - State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : AUGUST 24, 2018.**

**P.C. :**

This is an application for anticipatory bail. The offence is registered vide CR No.I-273 of 2018, with Kalwa Police Station, District - Thane, under Sections 326, 504 read with 34 of IPC. The case of the complainant is that the accused are the neighbours of the complainant. There was a quarrel between both the sides on account of throwing drum. The accused started assaulting brother of the complainant Pawan Kumar. The complainant and other brother Anil tried to intervene in the quarrel. However, they were assaulted by the accused. The accused had used iron pipe for assaulting them. The complainant, therefore, lodged the complaint.

2           It is apparent that a counter complaint was lodged at the instance of applicant no.1 with the Juhu Police Station vide CR No.I-274 of 2018, for the offences punishable under Section 326, 504 read with 34 of IPC. In the said FIR, it is alleged that applicant no.1 and others were assaulted by rival party by iron rod as well as bambu sticks. The injured persons had sustained severe injuries. Applicant no.1 had also sustained grievous injury and he was hospitalized. Photographs showing that applicant nos.1 and 3 and the wife of applicant no.1 had sustained injury, are annexed to this application. It is admitted that applicant no.2 is a disabled person.

3           It is submitted by the learned advocate for the applicants that applicant no.1 that applicant no.1 has sustained serious injuries and the either side were aggressive. In the circumstances, anticipatory bail may be granted to the applicant.

4           Learned APP submitted that FIR was lodged by both the parties. In both the cases the offences were registered under Section 326 of IPC as well as other penal provisions. It is submitted that the complainant and others had also sustained injuries. In the FIR lodged against applicant no.1, two accused

were arrested and they are in custody. The specific overtact has been attributed to the applicants. He also pointed out the injury certificate relating to injuries sustained by the injured.

5           On perusal of the documents, it is apparent that there was a free fight between both the sides in respect to the same incident, cross cases are registered. Applicant no.1 had also sustained serious injuries in respect to which offence under Section 326 of IPC registered against the rival party. The medical certificate and the photographs annexed to the applicant reveal that applicant no.1, no.2 and the wife of applicant no.1 were also assaulted by the rival group. One of the applicant is a disabled person, which is fortified to the certificate annexed to this application. Taking into consideration the over all circumstances, anticipatory bail can be granted to the applicant.

4           Hence, I pass the following order:

**:: ORDER ::**

- (i)       Criminal Anticipatory Bail Application No.1688 of 2018, is allowed;

- (ii) In the event of arrest of the applicant in connection with CR No.273 of 2018, registered with Kalwa Police Station, District-Thane, the applicant be released on bail on furnishing PR Bond of Rs.15,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants shall report Kalwa Police Station, Thane, twice in a week on every Wednesday and Friday between 10:00 a.m. to 12:00 noon., till filling of the charge sheet;
- (iv) The applicants shall not tamper with the evidence and shall not contact the complainant and other injured persons;
- (v) Criminal Anticipatory Bail Application No.1688 of 2018, stands disposed of.

**(PRAKASH D. NAIK, J.)**