

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1788 OF 2018

1. Kalpesh Rajan Bhoir, Age 25 years,
Occ.Vegetable Seller, R/o.Munde Ali,
Agasan Village, Post Diva Station, Diva(E).

2. Keju Gorakhnath Munde, Age 23 years,
Occ.Vegetable Seller, R/o.Agasan Village,
Agasan Road, Diva (E). Tal. & Dist.Thane.

Applicants

versus

The State of Maharashtra

Respondent

Mr.Rameshwar N. Gite for applicants.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th September 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.I-411/2018 registered with Mumbra Police Station, Thane. The offences were registered under Sections 325, 323, 365, 452, 504, 506 r/w Section 34 of Indian Penal Code.

2. A complaint was lodged by Dharmeshkumar Gupta on 9th August 2018. It is alleged that on 7th August 2018 at about 5 p.m, the complainant and his brother Satish Kumar Gupta were removing the vegetable crates from their gala. At that time the applicants and other accused namely Viraj and Binish Munde came there. There was a quarrel between applicant no.2 and the complainant. The brother of complainant tried to intervene. The complainant was

assaulted by Viraj by using wooden log. Other accused assaulted him by fist and kick blows. Viraj also assaulted the complainant's brother by wooden log. The accused Viraj and applicant no.1 then dragged the complainant out of gala and he was made to sit on their motorcycle and was taken to another place where again he was assaulted by fist and kick blows. Pursuant to that the FIR was registered. During the investigation the accused Viraj was arrested by police and he has been granted bail.

3. It also appears that Viraj Munde had lodged FIR vide CR No.I-412 of 2018 with the same police station for offences under Sections 324, 504, 34 of Indian Penal Code against Dharmesh Kumar Gupta and Satish Kumar Gupta. In the said FIR it was alleged that the complainant was assaulted by Dharmesh Kumar Gutpa, Satish Kumar Gupta and their associates on account of dispute in relation to recovery. It is brought to my notice that Dharmesh Kumar Gupta and Satish Kumar Gupta were also arrested in connection with CR No.I-412 of 2018.

4. In the aforesaid situation it is apparent that cross case is registered at the instance of Viraj Munde. Primary role of assault by wooden log is attributed to Viraj. He is arrested and granted bail. In view of the above, case for grant of anticipatory bail for the present applicants is made out. Hence, I pass following order :

ORDER

(i) In the event of arrest of applicants in connection with CR No.I-411 of 2018 registered with Mumbra Police Station, Thane, the applicants be released on bail on furnishing PR bond in the sum of

Rs.15,000/- with one or more sureties in the like amount;

(ii) The applicants shall report the investigating officer of Mumbra Police Station once in a week on every Saturday between 10 am and 12 noon till filing of charge sheet;

(iii) The applicants shall not tamper with the evidence and shall co-operate with investigation.

(PRAKASH D. NAIK, J.)

MST