

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1871 OF 2019**

1. Pandurang Ragho Shelar	
2. Navnath Pandurang Shelar	
3. Vasudev Pandurang Shelar	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Viresh V. Purwant for the Applicants

Ms. P. P. Shinde, A.P.P for the Respondent-State

HC Mr. P. M. Shinde from Kalyan Taluka Police Station, Thane Rural, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th SEPTEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-306 of 2019 registered with the Kalyan Taluka Police Station, Thane, for the alleged offences punishable under Sections 326, 325, 324, 323, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicants submits that applicant Nos. 1 and 2 are alleged to have assaulted the complainant on his back with sticks and applicant No. 3 is alleged to have assaulted the complainant on the back with reverse side of spade. He submits that none of the injuries are grievous, so as to attract the provisions of Section 326 of the Indian Penal Code. Learned counsel has produced the injury certificate of the injured Santosh Shelar (complainant), Rohan Shelar (son of the complainant) and Savita Shelar (wife of the complainant). The injury certificates show that all the injuries sustained by the said persons are simple in nature.

4 Learned A.P.P does not dispute the fact that none of the injuries sustained by the injured, are grievous in nature.

5 Under these circumstances, *prima facie*, it is doubtful whether an offence under Section 326 of the Indian Penal Code is disclosed. The applicant has reported to the Investigating Officer, as directed by this Court vide order dated 27th August 2019. Accordingly, the interim order dated 27th August 2019 stands confirmed on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount;

(ii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6 The application is accordingly disposed of.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.