

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

ANTICIPATORY BAIL APPLICATION NO. 167 OF 2019

Ajay Vishnu Chavan	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Viresh Purwant for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. A.P. Karde, P.H. Turbhe MIDC Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 18th JANUARY, 2019.

P.C.

1. This is an application for anticipatory bail in connection with CR No. I-365 of 2018 registered with Turbhe MIDC Police Station for the offences punishable under Sections 307, 324, read with 34 of Indian Penal Code. First Information Report was lodged on 28th December, 2018.

2. The case of the complainant is that on 27th December, 2018 he was assaulted by one Ajay Rathod by 'Kada' causing injury to his head. It is alleged that after the incident he went home. At about 9.45 p.m. he went to private doctor alongwith his mother. At that time, second incident had occurred wherein he was assaulted by other persons by means of knife by giving blow at his

abdomen and head.

3. Learned counsel for the applicant submits that First Information Report does not establish any link between the first incident and the second incident.

4. Learned APP submits that there are statement of witnesses indicating that applicant has participated in the first incident.

5. Taking the allegations in respect to the first incident of assault attributed to the applicant, it appears that complainant had sustained minor injury and thereafter he went home. Learned APP refers to the medical certificate which indicate simple injury. Section 307 of Indian Penal Code is not applicable to the applicant. It is also debatable whether Section 324 of Indian Penal Code is attracted in this case. Considering the aforesaid circumstances, the case for grant of relief under Section 438 of Code of Criminal Procedure is made out.

ORDER

i. In the event of arrest of the applicant in connection with C.R No.365 of 2018 registered with Turbhe MIDC Police Station, applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

ii. Applicant shall report to the Investigating Officer of the

concerned Police Station as and when called for till filing of the chargesheet;

iii. Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)