

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPTORY BAIL APPLICATION NO. 1523 OF 2019**

|                                     |               |
|-------------------------------------|---------------|
| Surendra Harishchandra Gupta & Anr. | ...Applicants |
| Versus                              |               |
| The State of Maharashtra            | ...Respondent |

Mr. Madan Gupta I/b Mr. Dilip R. Gupta for the Applicants

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

Mr. Priyal G. Sarda for the Intervener

PSI Mr. S. B. Mujawar from Goregaon Police Station, is present

**CORAM : REVATI MOHITE DERE, J.**  
**THURSDAY, 18<sup>th</sup> JULY 2019**

**P.C.**

1            Heard learned counsel for the parties.

2            By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 149 of 2019 registered with the Goregaon Police Station, Mumbai, for the alleged offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code.

3            Perused the papers. The incident in question has taken place on 14<sup>th</sup> March 2019. It is alleged that in the said incident, the applicant No.

1 assaulted the complainant and others with a bamboo stick and applicant No. 2 assaulted with an iron rod. A perusal of the injury certificate shows that as many as three persons have sustained injuries i.e. Krishna Gupta (complainant), Niranjana Gupta (complainant) and Vijay Devanshi. It appears that Niranjana Gupta and Krishna Gupta were in the Hospital for five days. The ocular evidence is consistent with the medical certificate. It appears that there is a cross case filed, however, the same was registered after four days by the complainant's side.

4            Having regard to the role of the applicant, this is not a fit case to grant pre-arrest bail to the applicant. The application is rejected. However, if an application for regular bail is filed, the same shall be decided by the trial Court on its own merits, uninfluenced by the observations made in this order.

5            Application is accordingly disposed of.

**REVATI MOHITE DERE, J.**