

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2384 OF 2018**

Ramapati Baijnath Upadhyay & Ors.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. Jilajit Sharma for the Applicants.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th MARCH, 2019.

P.C.:-

By a reasoned Order dated 22nd November, 2018, the Applicants were granted interim relief.

2 Heard the learned counsel appearing for the Applicants and the learned APP.

3 In pursuance to Order dated 15th March, 2019, the first informant has given necessary instructions to the learned APP.

The first information report lodged by the first informant mentions that, the Applicant No.1 assaulted her on her back with a small cutter due to which, she suffered bleeding injury. The Medical Certificate issued by Balasaheb Thakare Trauma Care Hospital,

Jogeshwari (East), do not support the said contention. It appears that, in the said assault, the prosecutrix had suffered three injuries in the form of abrasion and last injury is stated to be simple in nature.

4 So far as Section 354 of the Indian Penal Code is concerned, it appears that, during the scuffle mentioned in the first information report, the said alleged offence has taken place. It *prima facie* appears that, the Applicants did not have intention to commit the said offence as contemplated under Section 354 of the Indian Penal Code.

5 In view thereof, interim relief granted by order dated 22nd November, 2018 is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)