

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

CRIMINAL APPLICATION NO. 1685 OF 2019

Tejas Madan More and Ors. ...Applicants.

Vs.

The State of Maharashtra and Anr. ...Respondents

Mr. Shashikant Borade for the applicant.

Dr. F.R.Shaikh, APP for the State/Respondent No.1.

Mr. Ranjeeth Patil for respondent No.2.

**CORAM : B. P. DHARMADHIKARI &
N.R.BORKAR, JJ.**

DATE : 24TH FEBRUARY, 2020.

P.C.:

Applicant No.1 is present with his Advocate. Respondent No.2/Complainant is present with his Advocate. Applicant No.2 is in custody.

2. Parties, jointly, state that they are childhood friends and because of some mischief and misunderstanding, the offence has taken place.

3. Learned APP submits that against applicant No.2 Prakash, there is one more offence under Section 323 of Indian Penal Code.

4. Respondent No.2 has given consent affidavit today in the Court and orally he gives no objection. Injury report shows a simple injury sustained on head by respondent No.2. A glass bottle was used to give a blow on his head. The friends are married and except for above, nobody has any other criminal antecedent.

5. We are, therefore, inclined to intervene in extra ordinary jurisdiction. Accordingly, we direct petitioner to furnish an undertaking on affidavit to respondent No.1/Police Station for proper and good behavior for next two years from 1st March, 2020 onwards.

6. They shall also pay an amount of Rs.1,000/- each, after every two months commencing from March, 2020 and deposit the same with respondent No.1/Police Station.

7. Respondent No.1/Police Station shall issue them a receipt for this deposit. Accordingly, they shall deposit amount of Rs.6,000/- each, in next 12 months.

8. Subject to furnishing a bond/undertaking and payment as stipulated supra, we make rule absolute in terms of prayer clause (a).

9. Applicant No.2 shall be released from custody immediately.

(N.R.BORKAR, J.)

(B. P. DHARMADHIKARI, J.)