

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

ANTICIPATORY BAIL APPLICATION NO. 414 OF 2019

Tejas Prakash Salve Applicant
Versus
The State of Maharashtra Respondent

Mr. Shriram Chaudhari i/b. Rajesh More for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 645 of 2018 registered at Talegaon Dabhade Police Station, on 10/11/2018, under sections 326, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Shriram Chaudhari, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Pramod Sandbhor in respect of an incident dated 09/11/2018 which had taken place at around 9:00p.m. It is mentioned in the F.I.R. that, he was chitchatting with his friends near S.T. stand at Talegaon. After that he was going home. He was

stopped by some persons who came in a car. From that car four persons got down. The applicant was one of them. They started beating the informant. It is alleged that the applicant removed a knife and gave a blow on the arm of the informant. The informant raised shouts. His friends came there. The applicant and others left the place. The informant was taken for medical treatment and then this F.I.R. was lodged.

4. The learned counsel for the applicant submitted that, no serious injury is caused to the informant. The applicant was on interim bail for more than one and half year. His custodial interrogation is not necessary. Vide order dated 30/07/2019, the learned APP was directed to make a statement whether the provisions of MCOCA were applied to the present C.R.No.645 of 2018 registered with Talegaon Dabhade police station. Pursuant to that order, an affidavit is filed by P.S.I. Vaibhav Sonvane and it is mentioned in the said affidavit that, in the said crime, MCOCA is not applied against the present applicant.

5. I have considered these submissions. The applicant was on interim bail for quite some time. The injury certificate shows

that the informant has suffered injury with knife on his left hand near triceps of the length 4cm to 5cm. Though it is described as a grievous injury, it does not appear to be a life threatening injury. There does not appear to be any fracture. Therefore, it is doubtful whether section 326 of the IPC is applicable in this case. However, that is a matter of trial. For the purpose of consideration of anticipatory bail, the applicant has sufficiently made out a case for grant of such order in his favour. The custodial interrogation after all this period is not necessary in the background of the injury certificate and the allegations against him.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 645 of 2018 registered at Talegaon Dabhade Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)