

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

ANTICIPATORY BAIL APPLICATION NO. 1379 OF 2021

1. Saraswati Rajendra Yadav
2. Anil Dayaram Yadav @ Guddu Yadav ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Sandeep C. Kekane, Advocate for the Applicants.
Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 14th JUNE, 2021

PER COURT:

1. The applicants are apprehending arrest in C.R. No. 136 of 2021 registered with MIDC Police Station, Mumbai for offences under Sections 326, 452, 143, 148, 149, 323, 509 & 504 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was lodged on 26th March, 2021.

2. The case of the prosecution is that, there was quarrel between two families on account of keeping garbage in front of the house. The applicants and the co-accused were allegedly involved in assaulting the complainant and others. Undisputedly, the applicant No.1 was not armed with any weapon. As far as applicant No.2 is concerned, it is vaguely stated that the applicant No.2 and others had

assaulted by bamboo sticks. The FIR specifically indicates that the co-accused Amit was armed with bamboo and he had assaulted the injured. Section 326 is invoked for the injury caused on the head on account of alleged assault by Amit.

3. During the course of investigation Amit was arrested and he has been granted bail. Learned counsel for the applicant pointed out that the FIR has been registered by applicant No.2 with the same Police Station on 26th March, 2021 vide C.R. No.137 of 2021 for offences under Sections 324, 143, 148, 149, 323 & 504 of IPC.

4. Considering the factual aspects, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No.1379 of 2021 is allowed;

(ii) In the event of arrest of the applicants in connection with in C.R. No. 136 of 2021 registered with MIDC Police Station, Mumbai, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants shall attend the investigating officer on 21st 22nd & 23rd June, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.

(iv) The applicants shall not tamper with the evidence in any manner.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)