

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1718 OF 2021

|                             |            |
|-----------------------------|------------|
| 1. Prasad Manohar Kharat    |            |
| 2. Prathamesh Prasad Kharat | Applicants |
| versus                      |            |
| The State of Maharashtra    | Respondent |

Mr.Suhas S. Deokar for applicant.  
Mr.S.R.Agarkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30<sup>th</sup> September 2021

PC :

1. The applicants are apprehending arrest in CR No.308 of 2021 registered with Kolsewadi Police Station, Kalyan, for offences under Sections 324, 504 r/w 34 of Indian Penal Code. Subsequently Sections 326 and 394 of IPC were added.

2. The prosecution case is that on 18<sup>th</sup> June 2021 the first informant and his friend were on the way to their house. The applicants confronted them and questioned as to why they have lodged report against applicant no.2. During the quarrel applicant no.2 assaulted complainant on his head by means of weapon. Applicant no.1 has also assaulted the first informant.

3. Cross case was registered at the instance of applicants vide CR No.310 of 2021 with the same police station for offences under Sections 394, 504, 34 of IPC.

4. The applicant were granted interim protection vide order dated 26<sup>th</sup> July 2021. The applicant no.1 is public servant working in Food and Supply Department of State of Maharashtra. It is contended that arrest would cause prejudice to his employment. Applicant no.2 has lodged cross FIR in respect to same incident. The applicants were directed to attend Investigating Officer and co-operate in investigation.

5. Learned APP submitted that specific role has been attributed to the applicants. Applicant no.2 has assaulted the injured. It is apparent that there are cross cases. In the light of facts of this case, the applicants need not be subjected to custodial interrogation. Interim relief granted by this Court can be confirmed.

### **ORDER**

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 26<sup>th</sup> July 2021 is confirmed;
- (iii) In the event of arrest of applicants in CR No.3081 of 2021 registered with Kolsewadi, Kalyan, the applicants be released on bail on executing PR bond in the sum of Rs.30,000/- each with one or more sureties in the like amount;
- (iv) The applicants shall appear before Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST