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

ANTICIPATORY BAIL APPLICATION NO. 1886 OF 2021

Prashant Bhagwan Shiral ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr.Aniket Nikam i/b. Mr.Vivek N. Arote for the Applicant.
Mr.S.R.Agarkar, APP for the Respondent -State.

.....
CORAM: V.G.BISHT, J.
DATE: 13th OCTOBER, 2021

PC:-

1. The present Application has been moved by the Applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 326, 323, 504 read with 34 of the Indian Penal Code (the IPC) registered vide Crime No. 246 of 2021 with Yerwada Police Station, Pune.

2. It is the case of the prosecution that on 7th May, 2021 at about 12.30 am to 1.00 am, when the informant was taking a

walk, the accused Ajay Patekar and Shubham Avsarmal were sitting on the tapari of co-accused Mangal Thokal. Accused Ajay Patekar then called informant and asked him as to why he was wandering though there was curfew on account of lock down. Even accused Ajay Patekar and the present Applicant abused informant. It is alleged that the present Applicant then inflicted a blow on the head of informant by means of a sickle (koyta). Other accused also assaulted informant. Informant accordingly lodged the report.

3. Mr.Nikam, learned Counsel for the Applicant, submits that the Applicant is innocent and has been falsely implicated. Moreover, the alleged weapon has already been recovered at the instance of co-accused. Thus, there is no necessity of custodial interrogation of the Applicant. Hence, the Applicant deserves to be given the benefit of pre-arrest bail, urged learned Counsel.

4. Per contra, Mr.Agarkar, learned APP, opposes submission by contending that the investigation is in progress and having

regard to the nature of accusation, the present Application deserves to be rejected.

5. Learned APP has also produced the investigation papers for my perusal. I have carefully gone through the contents of FIR and investigation papers. I have also seen the injury certificate issued by C.M.O., Sassoon General Hospital, Pune pertaining to informant. Although, it is alleged in the FIR that the present Applicant had given a blow of sickle on the head of informant but the injuries noted by the concerned C.M.O. shows that there were CLW over Rt. temporo occipital area of head, linear abrasion over Lt. Side of abdomen and incised wound over back.

6. It is pertinent to note that all these injuries were allegedly caused by means of hard, blunt object and sharp edged object and the nature of injuries was simple. It is also not disputed that, during the course of argument, the sickle has already been recovered by the Investigating Officer.

7. In view of above, I am inclined to allow the present Application. Hence, the following order :

ORDER

- i) The Application is allowed;
- ii) In the event of his arrest in Crime No.246 of 2021 for the offences punishable under Sections 326, 323, 504 read with 34 of the IPC registered with Yerwada Police Station, Pune, the Applicant be released on bail on executing P.R. Bond in sum of Rs. 30,000/- with one or two surety in like amount;
- iii). The Applicant shall not tamper the prosecution evidence;
- iv) The Application stands disposed off accordingly.

(V.G.BISHT, J.)