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

ANTICIPATORY BAIL APPLICATION NO. 2958 OF 2021

VISHAL SURESH MHASKARAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

AND

ANTICIPATORY BAIL APPLICATION NO. 2959 OF 2021

BANTI ALIAS SAMIR ANANTA MHASKARAPPLICANTS
AND ANR

V/S.

THE STATE OF MAHARASHTRARESPONDENT

Mr. Satyan Pile for the applicants

Ms. Sharmila S. Kaushik APP for the State in ABA 2928/2021

Mrs. Rutuja Ambekar APP for the State in ABA 2959/2021

Mr. S. A. Gemnani for intervener in both ABA

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 9, 2021.

P.C.:

1] Applicants are seeking pre-arrest bail in C.R. No. 172/2021 registered with Badlapur (West) Police Station for Offences punishable under Sections 323, 325, 326, 504 r/w 34 of the Indian Penal Code.

2] Prosecution case against the applicant is, complainant Angad was assaulted by the applicants alongwith other co-accused thereby causing grievous injuries.

3] Perusal of F.I.R. depicts that vehicle of the complainant dashed against the vehicle of one of accused and differences arose on the said issue resulting into both assaulting each other.

4] Apart from the fact that complainant has preferred delayed F.I.R. i.e. after period of 4 days, for which the only explanation coming forth is, he was hospitalized in a private nursing home. The fact remains that father of the complainant claimed to have been present on the spot alongwith friend of the complainant, still no complaint was lodged to the police.

5] Apart from above, perusal of F.I.R. depicts that complainant knows applicants by name, still he has not attributed specific role to each of the accused. Similarly, father of complainant was also present

and he has also not attributed any specific overt act to each of the accused. The weapons used in the commission of crime i.e. Lathi and an iron rod are already recovered.

6] It is also the case of the applicant that they have approached the police, however, their claim was not entertained.

7] In the aforesaid background, it prima facie appears that offence took place out of road rage and claim of the applicant that they were also assaulted also needs to be looked into.

8] In this background, case for bail is made out.

(i) In the event of arrest of applicants in C.R. No. 172/2021 registered with Badlapur (West) Police Station for Offences punishable under Sections 323, 325, 326, 504 r/w 34 of the Indian Penal Code, they shall be released on bail on furnishing P.R. bond in the sum of Rs. 15,000/- each with one or more sureties in the like amount.

(ii) Applicants shall attend the Investigating Officer from 14/12/2021 to 16/2/2021 between 10.00 a.m. to 12.00 noon and thereafter, as and when directed.

(iii) Applicants shall neither tamper with evidence nor influence the witnesses in any way.

9] Applications stand disposed of.

[NITIN W. SAMBRE, J.]