

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

ANTICIPATORY BAIL APPLICATION NO.258 OF 2022

Lalmani Ramraj Yadav

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Ms.Sushma Mishra, Advocate for Applicant.
- Mr.P H. Gaikwad, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 01st FEBRUARY, 2022

(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.473/2021, dated 20/12/2021, registered with Kalwa Police Station, Thane City, under sections 326, 323, 506(2) r/w 34 of the Indian Penal Code.

2. Heard Ms.Sushma Mishra, learned counsel for the Applicant and Mr.P H. Gaikwad, learned APP for the State.

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3. The FIR is lodged by one Vinod Vishwanath Dongre. He has stated that on 19/12/2021, in his area the Applicant and his two sons were beating one Chandrakala Lalbahadur Yadav and her son Mithilesh Yadav. The informant tried to intervene to save them. That time, the Applicant's son Surendra gave blow with iron rod on his head. There are allegations that the Applicant gave blow with sharp weapon on arm of Chandrakala. The Applicant's other son Mahendra beat Mithilesh with fist-blows. After that, the informant and the two injured took treatment and this FIR was lodged.
4. Learned counsel for the Applicant submitted that the offence is not serious. Section 326 of IPC is unnecessarily applied. There are no grievous injuries. It was a result of quarrel in the neighbourhood and there was no premeditation and intention to cause grievous injury.
5. Learned APP produced the investigation papers before me. It contains statements of two other victims i.e. Chandrakala Yadav and Mithilesh Yadav. Their stories are consistent.

However, the medical papers in the form of injury certificate show that the informant Vinod Dongre had suffered two simple injuries. One was on the head, but it was described as the simple injury. It is attributed to the Applicant's son. The other victim Chandrakala has suffered lacerated wound on right forearm. It was 1 cm x 0.5 cm. x 0.5 c.m. and it is also described as a simple injury caused by a sharp object. This injury is attributed to the present Applicant. Third victim Mithilesh Yadav had suffered two abrasions which are also described as simple injuries. Therefore, at this stage, the investigating agency does not have any material to show how section 326 of IPC is attracted in this case. The incident appears to be a minor incident. The custodial interrogation of the Applicant is not necessary. He can be protected by an order of anticipatory bail.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.473/2021, dated 20/12/2021, registered with Kalwa Police Station, Thane City, the

Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)