

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

ANTICIPATORY BAIL APPLICATION NO. 344 OF 2022

1) Shiva Vijayendra Benwal	
2) Nadim Abdulkarim Shaikh	
3) Rahul Motilal Balmiki	
4) Rahul Ramgopal Chouhan	
5) Rohit Ramgopal Chouhan	
6) Shiva Raju Bhagvane	
7) Mukesh Ramesh Benwal	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Prashant M. Patil for the Applicants.

Ms. A.A. Takalkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicants for pre-arrest bail in C.R.No320/2021 registered with Rabale Police Station, Navi Mumbai for offences punishable under sections 143, 146, 323, 324, 326 r/w. 149 of the Indian Penal Code.

2. Heard Mr. Prashant M. Patil, learned counsel for the Applicant and Ms. A.A. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Shamshuddin Ishaq Shaikh. It is the case of the prosecution that on 06/12/2021 at about 07:45 p.m., about 10 to 15 persons formed an unlawful assembly and assaulted the complainant with kicks, blows, wooden sticks and spade. The Applicants are not named in the first information report. The Applicants were released on interim bail by this Court vide order dated 09/02/2022. They were directed to report to the Investigating Officer. Learned counsel for the Applicants, under instructions, states that the Applicants have complied with the said condition of the bail order and that they have been interrogated.

4. Considering the above facts and circumstances and also considering the nature of the accusations, in my considered view, no case is made out for custodial interrogation. The Applicants are the permanent residents of the State. There are no chances of the Applicants absconding and/or thwarting the course of justice. Hence, this is a fit case for grant of pre-arrest bail. Consequently, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No320/2021 registered with Rabale Police Station, Navi Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each) with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer as and when required by the Investigating Agency ;

(c) The Applicants shall not interfere with the complainant or the witnesses and/or shall not tamper with the evidence in any manner ;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.03.30
18:04:29 +0530

(SMT. ANUJA PRABHUDESSAI, J.)