

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

ANTICIPATORY BAIL APPLICATION NO.479 OF 2022

Arjun Satish Chauhan & Anr. Applicants

versus

State of Maharashtra Respondent

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- Ms.Affin Pathan a/w Rafiq Gori, Advocate for Applicant.
- Smt.A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd FEBRUARY, 2022

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.1358/2021, dated 04/11/2021, registered with Malvani Police Station, Mumbai, under sections 354, 324, 323, 504, 506(II) r/w 34 of the Indian Penal Code.

2. Heard Ms.Affin Pathan, learned counsel for the Applicant and Smt.A. A. Takalkar, learned APP for the State.

3. The FIR is lodged by the victim herself. She has stated that both the Applicants are relatives of the informant's maternal

Nesarikar

uncle Santosh Kadam. On 03/11/2021, both the Applicants came in front of the house of the victim and started giving abuses to her family. The informant's father questioned them. He was slapped. When the informant went for his rescue, the Applicant Arjun slapped her and touched her inappropriately. The Applicant Raj Chauhan brought an iron rod and gave a blow on the informant's head. The other relative of informant including the brother, maternal uncle, grandfather etc. were also assaulted by the Applicants. After this, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the narration in the FRI is not true. The Applicants had suffered injuries in the incident for which they have lodged their own FIR, vide C.R.No.1367/2021 at the same police station on 06/11/2021 u/s 324, 323, 504, 506(II), 143, 144, 147, 149 of the IPC. In that FIR lodged by the Applicant Arjun, he has mentioned that at the time of incident, the quarrel had taken place and the other side assaulted them with iron rods on head of the Applicants.

5. Learned APP opposed this application and produced the injury certificates of the first informant and her maternal uncle.
6. I have considered these submissions. The injury certificates show that the informant had suffered injury of the dimension 5 x 3 x 1 cm on her head. The CT Scan did not show any significant abnormality in brain, but there was haematoma on right high parietal region.
7. The informant's uncle Santosh had suffered fracture of third finger of right hand. As against this, the Applicant Raj Chauhan had suffered CLW on frontal region of the size 5 x 3 x 2 cms and the Applicant Arjun had suffered nose bleeding and haematoma on the right temporo parieto occipital region.
8. Thus, it appears that both the sides have suffered injuries and both the sides have referred to the assault caused by the other side. Neither of the side is telling truth. Therefore it is difficult to observe as to who was the aggressor in this case. There is possibility that the informant's side in this case could

also be the aggressor. Considering that both the Applicants have suffered injuries, in this matter, custodial interrogation of the Applicants will not be necessary. They can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.1358/2021, dated 04/11/2021, registered with Malvani Police Station, Mumbai, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)