

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

ANTICIPATORY BAIL APPLICATION NO. 661 OF 2022

Mr. Shrikant Ramshay Yadav	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. M.D. Pandey for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Sachin Patil, API, Pantnagar Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th APRIL, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.79/2022 registered at Pant Nagar Police Station, Mumbai for offences punishable under sections 323, 326, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. M.D. Pandey, learned counsel for the Applicant and Mr. S.H. Yadav, 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 First Information Report (FIR) lodged by Geetadevi Radheshyam Yadav. It is the case of the complainant that on 27/03/2022, while she was selling vegetables at Janta Market, Garodiya Nagar, Ghatkopar (E), Mumbai, one person by name Chandrabhan Gupta told her that the place where she was selling vegetables was purchased by him and threw away and destroyed the vegetables which she had brought for sale. She has further stated that in the meantime, the Applicant came to the place of the incident and told her that Radheshyam Yadav had sold the land to him. He has stated that the Applicant picked up the bamboo stick which was lying at the place of the incident and slapped her, her son and some other children. She has stated that she has sustained fracture on the right wrist. The medical report indicates that the complainant had suffered a fracture on the hand. As noted above, the case of the prosecution was that the Applicant had assaulted the complainant by means of a wooden stick which was lying at the place of the incident. Prima facie, the wooden stick cannot be categorized as a dangerous weapon as to bring the offence within the purview of section 326 of IPC. The offence, in my considered view, would come within the purview of section 325 of IPC.

4. Considering the nature of the accusations against the Applicant and the material in support thereof, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.79/2022 registered at Pant Nagar Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for four days from 11/04/2022 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall keep the Investigating Officer informed of his 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

(SMT. ANUJA PRABHUDESSAI, J.)

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