

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.990 OF 2022

Kingjal Shankar Nakhwa & Ors.	...Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Kedar J. Patil, for the Applicants.
Mr. N. B. Patil, APP for the Respondent-State.
API P. P. Patil, Uran Police Station, Navi Mumbai.

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DATE : 13 APRIL 2022

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.30/2022 of Police Station Uran, Navi Mumbai, under Section 326, 323, 143, 147, 148, 149, 427 and 506 of IPC, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 4 February 2022 lodged by Dhiraj Hareshwar Mhatre.

3. It appears that the incident was outcome of the alleged hacking of the mobile phone of Mitrali Nakhawa. Applicant

Nos.1, 2 and 4 are cousin brothers while Applicant No.3 is the father of Mitrali Nakhawa.

4. The learned counsel for the Applicants has placed reliance on the order dated 11 April 2022 in ABA No.968/2022 by which Swapnesh Nakhawa and others have been granted interim protection, inter alia on the ground that the allegations against them were of assaulting the injured Mr. Dhiraj Mhatre by fist and kick blows and the grievous injury in the nature of fracture suffered by Mr. Dhiraj Mhatre was not attributable to the assault by Swapnesh Nakhawa and others. The learned counsel for the Applicants has sought parity with the co-accused Swapnesh Nakhawa and others.

5. The learned APP pointed out that the allegations against the Applicant Nos.3 and 4 are assault by a bamboo and therefore parity may not apply. However, the learned APP, in all fairness, submitted that the allegations against the Applicant No.1 Kingjal Shankar Nakhwa and Applicant No.2 Ajinkya Gajanan Nakhwa are similar namely assault by fist and kick blows.

6. Faced with this, the learned counsel for the Applicants, on instructions, seeks leave to withdraw the Application, in so far as Applicant Nos.3 and 4 are concerned.

7. In the result, the following order is passed.

ORDER

(i) In the event of their arrest, in connection with investigation of Crime No.30/2022 of Police Station Uran, Navi Mumbai, the Applicant No.1 Kingjal Shankar Nakhwa and Applicant No.2 Ajinkya Gajanan Nakhwa, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.

(ii) The Applicants shall report to the Investigating Officer on 25/4/2022 and 26/4/2022 between 11.00 a.m. to 1.00 p.m. and as and when called and shall cooperate with the Investigating Agency.

(iii) The Applicants shall not tamper with the prosecution evidence / witnesses.

(iv) The Criminal Application of the Applicant No.3 Shankar Narayan Nakhawa and Applicant No.4 Sangmesh Vilas Koli stands dismissed, as withdrawn.

(v) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.