

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1782 OF 2022**

Mukesh Ramnath Maurya .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr.Shatrughan Dubey with Anjali Jaiswal for the applicant.

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

API Shri Ramesh Chavan from Shahunagar police station

CORAM: BHARATI DANGRE, J.

DATED : 6th JULY, 2022

P.C:-

1 The applicant is apprehending his arrest in C.R.No.146/2022 registered with Shahunagar police station which invoke sections 323, 324, 326, 504, 506(II), 34 of the IPC and Section 37(1) and 35 of the Maharashtra Police Act.

2 On the last date of hearing, the learned APP was directed to produce on record the injury certificate of the complainant. The certificate is placed on record which reveal that the injured/complainant was examined on 9/5/2022 and the injury is described in the said certificate as “CLW size 3 x 2 x 1 cm over the right thumb with distinct phalanx fracture. The injury is described as ‘grievous’ and the X-ray reveals right thumb

distal phalanx fracture. That is the precise reason why Section 326 has been invoked.

3 Perusal of the complaint on the basis of which the C.R has been registered, would reveal that on account of the business rivalry and in order to arrange the same, on 9/5/2022, at around 23.00 hours, when it was enroute his house from the pan shop, the two brothers Chandresh and Mukesh Maurya along with two unknown persons approached him and asked the complainant to accompany them. On being told that he was called by one Gattu bhai. When he did not accede to their request, Mukesh is alleged to have assaulted him on his left hand by a bamboo, as a consequence of which there was a fracture of thumb. It is alleged that the co-accused Chandresh hit him by a belt and caused injuries on his back and head. The other persons accompanied are also alleged to have assaulted. It is further alleged that the co-accused Chandresh threatened the people who had gathered and created a reign of terror, as a result of which the by-standers left the spot.

In the said incident, cross FIR is registered at the instance of Chandresh in respect of the very said registration vide C.R.No.147/2022, which invoke Section 323, 324, 504, 506 IPC. The FIR is also placed on record where it is alleged that the complainant was assaulted by the accused persons and it is specifically reported that he was thrashed by belt and was threatened with dire consequences.

In view of the fact that there are cross FIRs in respect of the same incident and the injured Aetsham Ahmed, though has sustained a grievous injury, the weapon used in commission of offence, i.e. stick has been recovered and the role of the applicant has clearly surfaced on record through the statement of the complainant, there is no purpose for which the custody shall be granted to the Investigating Officer.

Hence the following order.

ORDER

- (a) In the event of his arrest, the Applicant – Mukesh Maurya in connection with C.R.No.145/2022 registered with Shahunagar Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall report to the concerned Police Station as and when directed and render all his co-operation to the Investigating Officer.

Application is allowed.

(SMT. BHARATI DANGRE, J.)