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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2050 OF 2022**

Sandesh Ankush Kudu] .. Applicant
vs.
State of Maharashtra] .. Respondents

Mr.Kiran Varma a/w Sakshi Mane for Applicant.

Mr.S.V. Gavand, APP for State.

PSI Smt.Supriya Mandhare, Palghar present.

CORAM : BHARATI DANGRE, J

DATE : 28TH JULY, 2022.

P.C.

1] The applicant is praying for his enlargement of bail in the event of his arrest in CR no.14/2022 registered with Palghar Police Station.

2] The offence came to be registered on the complaint filed by one Hemant Sakharam Patil, who reported about the incident dated 08.01.2022 and alleged that the present applicant and accused No.2 Sahil alongwith accused No.3 assaulted him as well as his daughter and it is also alleged that the applicant gave a blow of a rod in his head and he was taken to the hospital. Offences under Section 323, 324, 504 read with 34 of the Indian Penal Code came to be invoked. On 08.04.2022, on an application being made Section 326 of the IPC was added.

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3] The learned APP is asked to produce on record injury certificate, which would justify invocation of Section 326 of the IPC. He has placed on record the injury certificate of a private hospital which refer to an injury in the form of CLW 6 x 3 x 3 on parito occipital scalp of the complainant which is described as grievous injury. However, in order to attract Section 326 of the IPC, which particularly contemplate injuries of the specific type incorporated in the said Section the injuries mentioned in the certificate do not fall within the purview of Section 326 of the IPC. Hence, prima facie section 326 cannot be made applicable.

4] It is to be noted that in respect of the same incident, the applicant himself had lodged a report with the same police station which was registered as CR No.13/2022 invoking Section 324, 524, 526 read with 34 of the IPC against the complainant and his family.

5] In the wake of above discussion, no custodial interrogation is necessary. However, he shall render co-operation to the Investigating Officer in completing the investigation.

6] At this stage, the learned APP state the applicant do not have place of permanent residence. However, the learned counsel for the Applicant submits that the applicant is residing with his sister at the address mentioned in the application. The anxiety expressed by the learned APP is taken care of. Hence, following order :

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.14/2022

registered with Palghar Police Station, the applicant Sandesh Ankush Kudu 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.

(c) The applicant shall report to the concerned police station on every Monday between 3.00 p.m. to 5.00 p.m. for two weeks and thereafter as and when called for.

(d) 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.

[BHARATI DANGRE, J]