

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2119 OF 2022

Mukesh John Nirmal and Ors. .. Applicants
Versus
The State of Maharashtra .. Respondent

Ms. Tripti Shetty for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State/Respondent.

Mr. Ubale, PSI, Rabale, Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 29th SEPTEMBER, 2022

P.C:-

1. The learned counsel for the applicants has handed a pendrive, recording the entire incident and on the last date the learned APP as well as Investigating Officer were asked to view the same.

Pursuant to it being viewed, a panchnama has been prepared by the Investigating Officer on 8/09/2022, which is in two parts. In the first part it can be seen that the complainant is approaching the accused in an aggressive manner with a stick and he is seen mounting an assault on the applicants. The applicants along with the co-accused is seen pushing the complainant out of the frame. As per the second part of the panchnama, though it is recorded that the co-accused

assaulted the complainant in his head by a Scythe and even Usha Nirmal one of the co-accused have assaulted by the same weapon, the learned APP on reviewing the footage do not affirm to the said recording.

Though it appear that there was some fight between the two groups, it cannot be said that the applicants were the aggressive party. The injury certificate which has been placed on record refer to one CLW on forehead, another on occipital region and the third one on the parietal region. The first injury is described as grievous whereas the other two injuries are simple in nature. After having a holistic view of the entire incident, the Investigating Officer make a categorical statement that the custodial interrogation of the applicants is not necessary.

Hence the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest, Applicant- Mukesh John Nirmal, Applicant- Necklace John Nirmal, Applicant- Usha John Nirmal shall be released on bail in connection with C.R.No. 161 of 2022 registered with Rabale Police Station, on furnishing P.R. Bond

to the extent of Rs.25,000/- each with one or two sureties in the like amount.

(c) The applicants shall report to the concerned police station as and when called for.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)