

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2418 OF 2022**

Haresh Kashinath Mhatre	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Dheeraj Panchange, for the Applicant.

Ms.Veera Shinde, APP for the State.

API Sandip Bhalerao, Ambarnath Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 5th SEPTEMBER, 2022.

P.C.

1] The present Applicant is apprehending arrest in CR No. 321/2022 registered with Ambarnath Police Station on 22.06.2022 in respect of one incident which took place at around 12.00 O'clock. The complainant Harishchandra Mhatre narrated the incident and he has alleged that a scuffle took place between two groups. Vinod Joshi ran towards them and he was armed with a wooden stick, whereas, Kashinath picked up an iron rod from the garage and they mounted assault on the complainant and his brother Manish Mhatre.

2] As far as the present Applicant is concerned, he is stated to have been armed with a wooden stick and it is alleged that all the four accused persons mounted an assault, which resulted in invocation of

offence under Section 323, 324, 504, 506(2) read with 34 of the Indian Penal Code, since the complainant has sustained a fracture at third metacarpal bone with associated soft tissue.

3] The said incident is reported to the concerned Police station by another group through Vinod Joshi, which resulted into registration of CR No.320/2022 for the offence under Section 326, 324, 323, 504, 506, 427 read with 34 of the Indian Penal Code. On perusal of the said complaint it is seen that it was the other party who mounted an assault and Vinod Joshi as well as Kalpesh and Kashinath sustained injuries. One of the injured sustained a fracture to little finger of right hand.

4] Considering the two CRs which are two versions of the same incident and role attributed to the present Applicant surfaced on record, in my considered opinion, custodial interrogation is not necessary. The Applicant, however, shall desist himself from indulging in the similar incidents and shall render his co-operation to the Investigating Officer.

Hence, following order is passed :

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.321/2022 registered with Ambernath Police Station, the applicant Haresh Kashinath Mhatre 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 14.09.2022 and 15.09.2022 between 10.00 a.m. to 12.00 noon, 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]