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

ANTICIPATORY BAIL APPLICATION NO.2516 OF 2022

1. Subhash Kacharu Kubare
2. Mahesh Bhagwan Gaikar
3. Shantaram Kacharu Kubhare ..Applicants
vs.
The State of Maharashtra ..Respondent

Mr. Rajesh R. Desai, for applicants.
Mr.S.H. Yadav, APP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 2022

P.C. :

1. Heard learned counsel for the applicants and learned APP.
2. This is an application for pre-arrest bail. The applicants are apprehending arrest in connection with C.R.No. I-28 of 2022 registered with Vasind Police Station for offence punishable under sections 326, 323, 504, 506, 34 of the Indian Penal Code, 1860.
3. It is alleged that there was some dispute the applicants had with the complainant. The applicants stopped

the complainant's autorikshaw. It is alleged that the complainant had asked Subhash as to why he was defaming him. It is alleged that the applicants no.2 and 3 held the hands of the complainant and applicant no.1 -Subhash assaulted the complainant with a wooden log. Even the wooden log is yet to be recovered. The complainant suffered grievous injuries i.e. on parietal scalp hematoma, comminuted fracture of left zygomatic arch and there was fracture of his nasal bone. Considering the nature of the allegations and the role attributed to the applicant no.1, the applicant no. 1 does not deserve to be released on pre-arrest bail. The application of the applicant no. 1 is rejected.

4. So far as the applicants no. 2 and 3 are concerned, considering their role and that nothing is to be recovered from them, there is no need for their custodial interrogation. Hence, the following order is passed.

ORDER

(a) In the event of arrest of the applicants no. 2 and 3 - Mahesh Bhagwan Gaikar and Shantaram Kacharu Kubare in connection with C.R. No. I-28 of 2022 registered with Vasind Police Station, the

applicants no. 2 and 3 - Mahesh Bhagwan Gaikar and Shantaram Kacharu Kubare be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants 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 applicants shall appear before the Investigating Officer on 21/12/2022, 22/12/2022 and 23/12/2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for. In any case, the applicants to report the concerned police station once in a month on every Monday, between 11.00 a.m. and 1.00 p.m.

5. The Application is disposed of.

(M. S. KARNIK, J.)