

Vidya Amin

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

ANTICIPATORY BAIL APPLICATION NO. 2543 of 2022

1. Mitesh Suresh Makwana
2. Ganesh Suresh Tadge .. Applicants
Vs.
The State of Maharashtra .. Respondent

Mr. M.A. Khan and Tajammal Usman Khan a/w. Dilip Parmar and Varun Kesaria for the applicants.

Mr. S.H. Yadav, APP for the State.

API Mr. Sanjay Thakur, Pantnagar Police Station present.

CORAM : BHARATI DANGRE, J.

DATE : SEPTEMBER 16, 2022.

PC.:

1. The applicants are apprehending their arrest in C.R. No. 631 of 2022 registered with Pant Nagar Police Station which invoke the offences punishable under sections 307, 326 and 504 read with Section 34 of IPC.

When the complaint lodged by one Devanand Konduskar is perused, he has stated that the incident took place on 24th July, 2022 when at 7 p.m. after returning from his work, he was present along with his friends, the persons known to him, namely, Darshan Chavan, Mitesh Makwana and Ganesh Tadge (D.J.) arrived at the site under the influence of liquor. When he attempted to stop them, they abused and all of them started beating him. It is alleged that Darshan Chavan hit him on his head by means of iron rod. A scuffle took place and he

sustained injuries. He was taken to the hospital.

2. The injury certificate of the complainant is on record, which refers to head parietal region 7 X 0.5 X 1cm and there is a reference of fracture to skull on the CT-Scan being conducted at Sion Hospital.

3. Taking the case of the prosecution as contained in the complaint, since the complainant sustained one injury which is attributed to Darshan Chavan and the other two co-accused are only alleged to have assaulted the complainant without any specific role being attributed, the accusation being general in nature, their custodial interrogation is not warranted. Hence, the following order:

ORDER

(a) In the event of arrest, the Applicants in connection of C.R. No. 631 of 2022 registered with Pant Nagar police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.

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

(c) 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 them from disclosing

the facts to Court or any Police Officer and should not tamper with evidence.

(d) The Applicants shall make themselves available as and when required by the Investigating Officer.

4. The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)