

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO. 2881 OF 2022**

Rohan Sanjay Kabra

.. Applicant

**Versus**

The State of Maharashtra

.. Respondent

Adv. Shahan Pradhan a/w Adv. Jeenal Upadhyay, Mr. Anthony Nadar  
for the Applicant.

Mrs. Rutuja Ambekar, A.P.P. for the State/Respondent.

Mr. Korgaonkar, PSI, Kasturba Marg, Police Station.

**CORAM: BHARATI DANGRE, J.**

**DATED : 17<sup>th</sup> OCTOBER, 2022**

**P.C:-**

1. The applicant is one Rohan Sanjay Kabra, who is arraigned as accused no.3 in C.R. No 1308 of 2022 registered with Kasturba Marg Police Station which invoke sections 452, 326, 325, 323, 504, 506 r/w 34 of IPC.

2. When the FIR filed by one Jitendra Hariprasad Mishra is perused, it can be seen that, he is the cousin brother of Anil Mishra, who was residing in the flat owned by Sanjay Kabra and Smt. Sneha Kabra, accused no.1 and 2. The allegation is that, they were asked to vacate the flat and, the learned counsel for the applicant submit that, since the lease has expired they wanted the possession back.

3. The incident which is complained of, is alleged to have taken place on 1/10/2022, when the complainant Jitendra Hariprasad Mishra state that, while he was present in the house, all the accused persons gained an entry into the flat and accused no.1 and 2 were abusive and threatened that, they will throw the belongings of the occupants. As far as the present applicant Rohan is concerned it is alleged that, he caused an injury near the left eye to his brother Anil Mishra, by means of a key. As far as Rahul is concerned he is alleged to have assaulted by fist and blows.

4. When the learned APP is asked about the injury certificate of Anil, she state that no such certificate is obtained. She only tendered a certificate of Jitendra i.e a complainant, who according to the medical report have sustained the following injuries:

*“contusion on little finger, and left chick bone, palm swelling, tenderness over bone of little finger”.*

The medical papers also record as under:

*“ (R) 5<sup>th</sup> MC Neck # ”*

The learned APP is however unable to throw any light on the said aspect of the medical report whether there was any fracture.

5. As far as the applicant is concerned, it is his case that, even

they were assaulted by the occupants of the flat including the complainant and a cross case is registered vide CR No. 1309 of 2022.

The applicant has also placed on record a certificate issued by one Krsnaa Diagnostics Limited certifying the injuries sustained by him, which are recorded as under:

- “1. The nasal septum is mildly deviated to right side.*
- 2. Minimally displaced fracture at right nasal bone and right nasal process of maxilla.*
- 3. The visualized rest of the facial bones appear normal.*
- 4. There is mild soft tissue swelling in facial region could be mild soft tissue edematous changes”.*

6. Considering the limited role attributed to the applicant and, when particularly there is no injury certificate of Anil Mishra on record and, the applicant himself has sustained injuries, which are reflected as above, the custodial interrogation of the applicant is not necessary.

Needless to state that applicant shall report to the police station.

**: ORDER :**

- (a) Application is allowed.

(b) In the event of arrest, Applicant- Rohan Sanjay Kabra, shall be released on bail in connection with C.R.No.1308 of 2022 registered with Kasturba Marg Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall report to the concerned police station from 27/10/2022 to 29/10/2022 between 3:00 p.m to 5:00 p.m., 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 the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

**( SMT. BHARATI DANGRE, J.)**