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

ANTICIPATORY BAIL APPLICATION NO.3023 OF 2022

MANISH SAROJ AND ANR. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. L. C. Prajapati for applicants.

Mr. N. B. Patil, APP for State.

Mr. Ramesh Dhaigude, API, Waliv Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 9, 2022.

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 326, 506 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.39 of 2022 dated 11/01/2022 registered with Waliv Police Station.

3. On 09/11/2022, this Court while granting interim protection to the applicants passed the following order :-

"1. The applicants are apprehending their arrest in C.R. No.0039 of 2022 registered with Waliv Police

Station, which invoke offences punishable under sections 326, 506 read with section 34 of IPC.

2. The incident is reported by one Jagdish Yadav, who has alleged that the applicants have assaulted him below his left hand finger by means of a bamboo and he was abused.

3. Reading of complaint would reveal that, the role attributed to Ramchandra is of assaulting, whereas Manish is accused of abusing. The Injury certificate of the injured is placed on record which refer to fracture on left Metacarpals, which is described as grievous injury, and as far as applicant no.1 is concerned since injury is not attributed to him, at this stage his custodial interrogation is not necessary. As far as applicant no.2 is concerned, who is assigned role as author of the said injury, his custody is not warranted, at this stage considering the nature of injury sustained.

4. Subject to the applicants rendering their co-operation to the Investigating Officer, I deem it appropriate to release the applicants on ad-interim bail subject to they reporting to Investigating Officer on the given dates.

: ORDER :

(a) Application is allowed.

(b) By way of ad-interim order, Applicant Manish Saroj, and Applicant Ramchandra Prajapati shall be released on bail in connection with C.R.No. 39 of 2022 registered with Waliv 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 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 applicants shall not tamper with evidence.

(d) The applicants shall report to the concerned Police Station on 14/11/2022 and 15/11/2022, and thereafter as and when called by the Investigating Officer.

4. List the application for hearing on 28/11/2022."

4. The applicants have co-operated with the investigation. Learned counsel for the applicants submitted that a completely false case has been registered against the applicants. According to him, it is a counterblast to a criminal complaint which was filed by the applicant No.2 against the complainant. In fact the applicant No.2 on the previous occasion had suffered a bullet injury for which the complainant was responsible, as per the submission of learned counsel for the applicants. Though the applicants have co-operated with the investigation, the medical report which is produced on record shows that the complainant has suffered a fracture injury. The medical examination was conducted on 10/01/2022. The nature of the injury is reported to be fresh blunt (grievous). The injury is attributed to the applicant No.2. The rod which was used by the applicant No.2 is yet to be recovered. So far as the

applicant No.1 is concerned, the interim order passed by this Court deserves to be confirmed. Hence, the following order :-

ORDER

- (i) In the event of arrest of the applicant No.1- Manish Saroj in connection with C.R. No.39 of 2022 registered with Waliv Police Station, the applicant No.1 shall be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant No.1 shall report to the Investigating Officer as and when called.
- (iii) The applicant No.1 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 No.1 shall not tamper with evidence.
- (iv) The applicant No.1 shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.
- (v) So far as the applicant No.2-Ramchandra Jokhan Prajapati is concerned, the anticipatory bail application stands rejected.

5. The Anticipatory Bail Application is disposed of accordingly.

(M. S. KARNIK, J.)