

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3055 OF 2022**

Raghubir Ramjanak Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Swapna P. Kode for the Applicant.

Ms. S. D. Shinde , APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 2 NOVEMBER 2022

P.C. :-

This is an application under Section 438 of Code of Criminal Procedure.

2. The applicant is apprehending his arrest in Crime No. 1215 of 2022 registered at Kandivali police station for the offences punishable under Section 323, 326, 504 read with 34 of Indian Penal Code.

3. According to the prosecution on 06.09.2022 at about 10.30 pm the present applicant alongwith the other co-accused assaulted the complainant Vivek Pal by knife.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the First Information Report.

5. Perusal of the FIR reveals that on some trifle issue the altercation took place between the complainant and co-accused Sonu Paswan and during the said altercation the said co-accused Sonu Paswan assaulted the complainant by knife. According to the complainant the present applicant assaulted him by fist blows. The incident does not appear to be premeditated. There are no criminal antecedents. Considering these facts and circumstances, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in Crime No. 1215 of 2022 registered at Kandivali police station for the offences punishable under Section 323, 326, 504 read with 34 of Indian Penal Code, he shall be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called and shall co-operate in the investigation.

(N.R. BORKAR, J.)