

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3155 OF 2022

1. Prabhakar Babu Pujari
 2. Divesh Prabhakar Pujari

...Applicants

V/s.

The State of Maharashtra

...Respondent

Mr. Nandkumar V. Sawant, for the Applicants.

Mr. P.H. Gaikwad, APP, for the Respondent/State.

CORAM : **N.R. BORKAR, J.**
DATE : **06.12.2022.**

PC. :

1. This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicants came to be arrested in Crime No. 208 of 2022 registered at Kalamboli Police Station, for the offences punishable under Sections 325, 326, 323, 324, 289, 504, 506, 307 read with 34 of of the Indian Penal Code.

3. I have heard the learned counsel for the applicants and the learned APP for the respondent/State and perused the FIR.

4. According to the prosecution on the day of incident which took place on 09/10/2022 at about 11.00 a.m. applicant No. 2

assaulted the complainant as he did not stop his car and allowed the car of applicant No. 2 to pass, though the road was narrow. It is alleged that at about 11.25 a.m. the applicants and other co-accused assaulted the complainant and his family members by koyata, sticks and iron rods and attempted to kill them, when they went to the house of applicant No. 2 to question him about his alleged act of assault.

5. The learned counsel for the applicants submits that the complainant and other family members came to the house of the applicant No. 2 and started assaulting him and his family members. Be that as it may *prima facie* the incident does not appear to be premeditated. The applicants are in jail for more than two months. Considering the facts and circumstances, I am inclined to release the applicants on bail. In the result, following order is passed:

ORDER

- A) The Application is allowed.
- B) The applicants be released on bail in Crime No. 208 of 2022 registered at Kalamboli Police Station, for the offences punishable under Sections 325, 326, 323, 324, 289, 504, 506, 307 read with 34 of of the Indian Penal Code, on furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.
- C) The applicants shall not stay within the jurisdiction of

Kalamboli Police Station, till conclusion of trial.

D) The applicants shall furnish their residential address where they are going to reside after their release and their mobile number to the Investigating Officer.

[N.R.BORKAR, J.]