

Diksha Rane

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

ANTICIPATORY BAIL APPLICATION NO.3411 OF 2022

MANOJ JAGANNATH AND ANR. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. S. P. Kadam a/w. Mr. Dilip B. Shinde, Mr. Prathmesh Naik
for the applicants.

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

Mr. V. V. Purwant a/w. Ms. Kalyani Mangave for the org.
complainant.

Mr. Yogeshkumar Shirsat, API, Kalwa Police Station (Thane
City).

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 16, 2022.

P.C. :

1. Heard learned counsel for the applicants, learned APP
and learned counsel for the complainant.

2. This is an application for pre-arrest bail in connection
with First Information Report (FIR) No.0448/2022
registered with Kalwa police station, for the offence
punishable under Sections 307, 323, 341, 504, 506 of the
Indian Penal Code, 1860 read with Sections 37(1) and 135
of the Maharashtra Police Act.

3. By an order dated December 8, 2022, the interim protection was granted in favour of the applicants. The incident is dated September 13, 2022. The informant is the father of Viraj who suffered grievous injury. Even Vaibhav, who is the cousin of Viraj suffered grievous injuries in the assault. In the FIR, it is alleged that there was quarrel between Viraj and Kaustubh (accused no.1) who is the son of the present applicant no.1-Manoj Ture. Nikhil Koli (accused no.2) is alleged to be a friend of Kaustubh. On the say of the Kaustubh, it is alleged in the FIR which was lodged by the informant, that Nikhil Koli assaulted Vaibhav with a knife. The knife has since been recovered. Kaustubh and Nikhil are arrested and presently in the custody. In the FIR of the informant dated September 13, 2022, the role of the applicants is not mentioned. Vaibhav was hospitalized having suffered multiple grievous injuries. The injuries, no doubt, are serious. After Vaibhav recovered, his statement came to be recorded on October 2, 2022. In the said statement, it is alleged by him that the present applicants Manoj and Mayuresh instigated Kaustubh and Nikhil to

assault Viraj and Vaibhav. The role of the present applicants came to light after Vaibhav's statement was recorded on October 2, 2022. Though the informant was an eye witness, the factum of the applicants instigating Kaustubh and Nikhil do not find place in the said statement. It is after Vaibhav's statement is recorded that on the next date i.e. on October 3, 2022, the informant in his supplementary statement alleged that the applicants have instigated Nikhil to assault Vaibhav. The applicants have reported pursuant to the interim protection granted. There is no recovery made from them. The apprehension of learned counsel for the complainant, who opposed the present application, that the applicants will threaten and intimidate the witnesses, can be taken care of by directing the applicant no.1-Manoj to stay out of the jurisdiction of Thane District except for attending police station and the dates before the trial Court. So far as applicant no.2 is concerned, he is a college going student. The applicant no.2 can be restrained from entering the area of Kalwa Police Station. The custodial interrogation of the applicants is not required. Hence the following order.

ORDER

- (a) In the event of arrest in connection with First Information Report (FIR) No.0448/2022 registered with Kalwa police station, applicant no.1-Manoj Jagannath Ture and the applicant no.2-Mayuresh Manoj Ture, shall be released on bail on furnishing P.R. Bonds of Rs.25,000/- each with one or two sureties in the like amount.
- (b) The applicants shall report to the Investigating Officer of the concerned police station once in a fortnight on every first and third Monday of the month, between 11.00 a.m. and 1.00 p.m. till the trial is over. The applicants to co-operate with the investigation.
- (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/her from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (d) The applicants shall furnish the details of their residential address and phone numbers to the Investigating Officer.
- (e) The applicant no. 1 - Manoj Jagannath Ture, shall stay out of the jurisdiction of Thane District till conclusion of trial except for attending the Investigating Officer and the trial Court.
- (f) The applicant no. 2 - Mayuresh Manoj Ture, shall stay out of the jurisdiction of Kalwa Police Station till conclusion of trial except for attending the

Investigating Officer and the trial Court.

- 4.** The application is disposed of.

(M. S. KARNIK, J.)