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

ANTICIPATORY BAIL APPLICATION NO.3441 OF 2022

Viddhesh Ganesh Mhatre and anr. ..Applicants

vs.

State of Maharashtra ..Respondent

Adv. Raviraj Paramane a/w. Adv. Omkar Gharat for applicants.

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

Mr. Nilesh Pol, API, Govandi Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 2022

P.C. :

1. This is an application for pre-arrest bail in respect of the First Information Report (FIR) No. 0594/2022 registered with Govandi Police Station for the offence punishable under Sections 324, 326 read with 34 of the Indian Penal Code, 1860 (hereafter 'IPC' for short).

2. The applicants were sitting in a Hotel 'Social'. On the adjoining table, the complainant and his friends were sitting, having food and drinks. It appears that while passing by, one of the applicants accidentally stepped on the foot of the complainant. On enquiry, the applicant got

annoyed and hit the complainant on head with a bottle. The complainant sustained injuries. One of his friends sustained injury on the forehead with a splinter of the glass that flew. The complainant was taken to Shatabadi Hospital. After getting treatment, the FIR came to be registered.

3. I have gone through the injury certificate. The injuries are simple in nature. The incident happened suddenly on the spur of the moment.

4. Learned APP submitted that the custody is required for conducting a test identification parade of the applicants as they were not named in the FIR. The printouts of the CCTV footage were placed on record where the assailants are seen and on which basis the investigation is proceeding against the applicants. In my opinion, this is not a case where the custodial interrogation is necessary as nothing is to be recovered. Hence the following order.

: ORDER :

(a) In the event of arrest in connection with FIR No. 0594/2022 registered with Govandi Police Station, applicant no.1-Viddhesh Ganesh Mhatre and the applicant no.2-Rishabh Sunil Mhatre, shall be released on bail on furnishing

P.R. Bonds of Rs.25,000/- each with one or more sureties in the like amount.

(b) The applicants shall attend the concerned police station once in a week i.e. every Monday, between 10.00 a.m. and 12.00 noon, except on the date fixed by the trial Court. The applicants shall 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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(e) The applicants shall not enter the area of Chembur where the complainant and the injured are residing.

5. The application is disposed of.

(M. S. KARNIK, J.)