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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1337 OF 2023**

Saurabh Santosh Vairat and anotherApplicants

V/s.

The State of MaharashtraRespondent

Mr. Pankaj Deokar Advocate for the Applicants
Mr. R. M. Pethe APP for the State

CORAM : GAURI GODSE, J.

**DATED : 15th MAY, 2023
(VACATION COURT)**

P.C. :-

1. This Application is filed for seeking protection from arrest in connection with C.R. No. 271 of 2023 dated 22nd March 2023 registered with Wai Police Station for alleged offences punishable under sections 323, 324, 326 read with 34, 504 and 506 of the Indian Penal Code.
2. Criminal Misc. Application No. 56 of 2023 filed by the Applicants before the Additional Sessions Judge Wai was rejected on 13th April 2023.
3. Learned counsel for the Applicants, on instructions, states

that he is not pressing the present Application so far as Applicant No. 1 is concerned. Learned counsel further submits that so far as allegations against Applicant No. 2 are concerned, they are based on a statement made that the assault was by Applicant No. 2 and Sujal Vairat from the backside. He further submitted that so far as an injury inflicted pursuant to the alleged assault by Applicant No. 2 is concerned, is simple in nature. He, therefore, submits that there is no requirement for any custodial interrogation so far as Applicant No. 2 is concerned.

4. Learned APP submits that though the injuries are simple in nature, there is an allegation against Applicant No. 2 that he has assaulted Kailas Bhise, and the incident was a continuous incident with reference to the allegation against Applicant No. 1. He further submitted that there are antecedents so far as Applicant No. 2 is concerned and a Complaint was already registered against Applicant No. 2 under Sections 324, 323, 504 and 506 r/w 34 of the Indian Penal Code in the year 2006.

5. Learned counsel for the Applicants on instructions states that so far as the said Complaint in the year 2006 is concerned, Applicant No. 2 is acquitted in connection with the said Complaint. Learned APP does not dispute this statement made by the learned

counsel for the Applicants.

6. In view of the aforesaid facts and circumstances and the injury being simple in nature, custodial interrogation will not be necessary. Hence, by imposing the following conditions, protection is granted to Applicant No. 2 Santosh Vairat.

7. Hence, the following order is passed.

I. In the event of arrest of Applicant No. 2 Santosh Vairat in connection with C.R. No. 271 of 2023, registered with Wai Police Station for alleged offences punishable under sections 323, 324, 326 read with 34, 504 and 506 of the Indian Penal Code, he be enlarged on bail on furnishing P.R. bond in the sum of Rs. 10,000/- with one or more sureties in the like amount.

II. Applicant No. 2 Santosh Vairat shall report to the Wai police station every alternate Saturday between 11.00 a.m. to 1.00 p.m. and shall continue to attend the concerned police station till the completion of the investigation.

III. Applicant No. 2 will cooperate with the investigation.

IV. Applicant shall disclose his present correct and complete address, mobile number and E-mail address to the concerned Investigating Officer.

V. Applicant No. 2 shall not directly or indirectly make any inducement, threat or any promise to any person acquainted with the facts of this case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

VI. Application is allowed in the above terms so far as Applicant No. 2 Santosh Vairat is concerned.

VII. Application is dismissed as withdrawn so far as Applicant No. 1 Saurabh Vairat is concerned.

VIII. All concerned to act on authenticated copy of this order.

(GAURI GODSE, J.)