

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

ANTICIPATORY BAIL APPLICATION NO. 1856 OF 2023

1. Tejas Vikas Potdar	
2. Vikas Pandurang Potdar	...Applicants
vs.	
The State of Maharashtra	...Respondent

Adv. Ajit J. Kenjale a/w Adv. Sai Rajendra Kadam - Advocate for the Applicants

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 17th JULY, 2023

P.C. :-

1. Heard learned Advocate for the Applicants and learned APP for the Respondent-State. Officer from Koregaon Police Station is present.

2. The F.I.R. is lodged by one Jethmal Devichandra Oswal. The incident took place at 4.30 p.m. on 13/04/2023. The first informant was in his shop. He received a phone call from the Applicant No. 1- Tejas, who is son of the Applicant No. 2- Vikas. The Applicant No. 1-Tejas wanted to take out his four wheeler from parking slot of the building and that is why he want co-operation from the first informant. The first informant got down from the

building. The Applicant No. 1-Tejas and his mother – Lalita were standing there. Applicant No. 1-Tejas got annoyed and abused the first informant. His mother Lalita slapped the first informant. The Applicant No. 2-Vikas beat him with the steel pipe. There was injury on his shoulder. They were separated.

3. He lodged the complaint with Koregaon Police Station. He was sent for medical examination. Initially, an offence under Sections 324, 323, 504 and 506 read with 34 of the Indian Penal Code was registered. However when medical certificate was obtained, it was converted to Section 326 of the Indian Penal Code. Lalita-co-accused was granted anticipatory bail by the Court of the Additional Sessions Judge, Satara. When offence was registered under Section 326 of the Indian Penal Code, notice was issued under Section 41(a) of the Criminal Procedure Code. Weapon was produced by these Applicants.

4. Learned APP submitted that injury is serious and that is why Section 326 of the Indian Penal Code is invoked. I have seen the medical certificate. There is grievous injury on the elbow and his joint fracture is also noticed.

5. Be that it may, I do not think that custodial interrogation is required. Hence following Order:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 157 of 2023 registered with Koregaon Police Station for the offence punishable under Sections 324, 323, 504 and 506 read with 34 of the Indian Penal Code and later on added Section 326 of the Indian Penal Code, the Applicant No. 1- Tejas Vikas Potdar and Applicant No. 2-Vikas Pandurang Potdar be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) Applicants are directed to give attendance to the Koregaon Police Station, Satara on 27/07/2023, 03/08/2023 and 10/08/2023.
- (iv) Applicants shall not threaten the prosecution witnesses.
- (v) Needless to say, violating of the condition above will make the Applicants liable for cancellation of bail.

6. It is made clear that the these are my prima facie observations.

7. Anticipatory bail application is disposed of in the aforesaid terms.

8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]