

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

ANTICIPATORY BAIL APPLICATION NO.200 OF 2023

1. Sudhir Pandurang Surve
 2. Madhur Pandurang Surve ..Applicants
- VS.
- The State of Maharashtra ..Respondent

Mr. Vaibhav Bagade a/w Mr.Aman A. Kothari, for the Applicants.

Mr. S. H. Yadav, APP for the State.

PSI-Mr. M.N.Gadale, Kandivali Police Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 23, 2023

P.C. :

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

2. This is an application for pre-arrest bail. The applicants are apprehending arrest in connection with C.R. No.1444 of 2022 dated 29/12/2022 registered with Kandivali Police Station for offence punishable under sections 324, 341, 323, 504, 506, 34 of the Indian Penal

Code, 1860. Thereafter section 326 came to be added. So far as section 326 is concerned, report of the private hospital dated 29/12/2022 says that "anterior aspect 3rd to 5th rib undisplaced fracture." The informant and the applicant are in the know of each other. On 28/12/2012, the informant alleged that he along with his friend had been near the Santur building, situated at Mahavir Nagar, where they had parked their vehicles and having fun. At that time, applicants came there and started abusing informant and his friends and told them to go away. When the informant and his friends were leaving, applicant no.1 assaulted the informant with fist blows. When this quarrel was going on, one Jignesh came there to intervene in the quarrel. The applicant assaulted Jignesh who suffered injury on the waist. It is alleged that Jignesh was assaulted with a brick. On the other hand, it is the case of the applicants that the informant along with some boys were standing on the road and smoking. Applicant no.1 could not enter the building and therefore requested the informant to move their car and not to smoke. It is alleged that because

of this nuisance, residents of the area are facing problem.

3. In the quarrel that took place, even the applicant no. 1 has suffered simple injury. Considering the nature of the accusations and that there are cross FIRs registered, the custodial interrogation of the applicants in the present case is not required. There are no criminal antecedents reported against the applicants. The dispute appears to be over the applicant no.1 calling upon the informant to move away from the gate and park their vehicles elsewhere. Hence, the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest of the applicants in connection with C.R.No.1444 of 2022 dated 29/12/2022 registered with Kandivali Police Station, the applicant no.1 - Sudhir Pandurang Surve and applicant no. 2- Madhur Pandurang Surve be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(d) The applicants shall attend the investigating officer on 27th January 2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for.

4. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)