

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 359 OF 2023

1] Suraj Sanjay Moikar
2] Gaurav Babasaheb Ghogje ... Applicants
Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Chavan alongwith Mr. Sachin Arude for the Applicants.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 6 APRIL 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 1742 of 2022 registered at Chakan Police Station, for the offences punishable under Sections 326, 324 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicants and the learned APP for the State.

4. According to the prosecution, on the date of incident, which took place on 11 November 2022 the present applicants and other co-

accused assaulted the injured Gajanand Choudhary on account of business rivalry.

5. It appears that the prosecution has already filed the charge-sheet against the co-accused. Though according to the prosecution, the alleged incident took place on 11 November 2022, however, it is not understood as to why the statement of the injured was not recorded till 14 January 2023. The motive for alleged crime is not attributed to the present applicants. Considering the overall facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants in Crime No. 1742 of 2022 registered at Chakan Police Station, for the offences punishable under Sections 326, 324 r/w. 34 of Indian Penal Code, they shall be released on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.
- (iii) The applicants shall attend the concerned police station as and when called by the Investigating Officer till filing of the charge-sheet and thereafter, once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)