

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

ANTICIPATORY BAIL APPLICATION NO.369/2023

KAMESH DEEPAK PHUMATIYA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. P. R. Dave a/w. Adv. Ashwin Pande for the applicant.
Mr. S. H. Yadav, APP for State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 7, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail in respect of First Information Report (FIR) No. 0881/2022 registered on October 23, 2022 with Bhandup Police Station, under Sections 323, 324, 326, 504 read with 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short).
- 3.** The date of the incident is October 22, 2022. The complainant alleged that the present applicant along with his friend Ajay assaulted him with a cricket bat. The applicant raised an issue with the complainant over the

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applicant's vehicle with which the complainant had some problem. The applicant, therefore, started abusing the complainant and his brother. The applicant attempted to assault the complainant's brother. The bat which the applicant had was snatched by Ajay. Ajay assaulted the complainant on his hand. The complainant suffered a fracture injury on his hand. Even as per the statement of the complainant, the assailant and the author of the injury is Ajay. It is not the allegation that the applicant assaulted the complainant.

4. My attention is invited to the communication dated November 25, 2022 obtained under Right to Information Act which records that there are as many as 15 C.Rs. registered against the complainant, some of them under Section 307 of the IPC. It states that the complainant was externed from the area of Mumbai and Thane for a period of two years.

5. There are no criminal antecedents reported against the applicant. The applicant is a well educated person. The applicant is willing to co-operate with the investigation. The custodial interrogation of the applicant is not required. Hence the application deserves to be allowed by passing the

following order.

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with FIR No. 0881/2022 with Bhandup Police Station, the applicant shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 11th and 12th February, 2023, between 11 a.m. and 1.00 p.m. and thereafter, as and when called.
- (d) The applicant 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 and shall not tamper with evidence.
- (e) The applicant shall furnish the details of his residential address and phone numbers to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)