

Shiv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.697 OF 2023**

1. Pravin Dwarkanath Thakur	...
2. Chetan Dwarkanath Thakur	...
3. Sanket Dwarkanath Thakur	... Applicants

Vs.

State of Maharashtra	... Respondent
----------------------	----------------

Ms. Archana Khan with Prathamesh Bhosle i/b Suraj Iyer and Parth Vyas for the Applicants.

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

CORAM : S. M. MODAK, J.

DATED : 8TH MARCH 2023

PC:-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. Even though the Application is coming up for the first time before the Court, considering the nature of controversy it would be appropriate to decide this Application finally.

3. The Applicants apprehend arrest in FIR No.47 of 2023 registered with Vishnu Nagar police station. It is stated that initially the offence was registered under sections 323, 324, 504 and 34 of IPC. The first informant – Rohidas Thakur was beaten by stick and fist

Modified as per order dated 17th March 2023

blows. After injury certificate of the first informant is received from the Corporation hospital dated 8th February 2023, the police have added sections 325 and 326 of IPC.

4. Learned APP has taken me through averments in FIR. The first informant sustained injury to his eye.

5. Learned Advocate for the Applicants submitted that at page 39 is FIR in which sections are added and there is over writing. She submitted that in the FIR there is allegation of beating with stick on back whereas as per injury certificate issued by Shastri Nagar hospital there is grievous injury without loss of vision. I am not impressed with this argument. Whether the medical evidence corroborates with averments in the FIR cannot be considered now.

6. When asked learned APP submitted that stick is recovered from the spot. In view of that custodial interrogation of the Applicants is not required.

7. There is one more reason for granting anticipatory bail to the Applicants. The version stated by the first informant is not the only version whereas there is other side of the said incident. The mother of the Applicants has lodged non cognizable complaint with the Vishnu Nagar police station on 8.2.2022 and it is registered under sections 323, 504 and 506 of IPC against Rohidas Thakur, who is the first informant and his son Pranay Thakur. There is also medical papers about mother of the Applicants - Manjula Thakur.

8. In view of above the case for grant of anticipatory bail is made out. Hence, the following order is passed :

O R D E R

- (a) In the event of arrest all the Applicants be released on bail on furnishing personal bond and surety bond of Rs.15,000/- each in C.R. No.47 of 2023 registered with Vishnu nagar police station for the offences punishable under sections 323, 324, 325, 326, 504 read with 34 of IPC.
 - (b) The Applicants shall not threaten the prosecution witnesses.
 - (c) The Applicant shall give attendance to the Vishnu Nagar police station on every Monday from 10 am to 12 noon for three months.
 - (d) Needless to say, violating of the condition above will make the Applicants liable for cancellation of anticipatory bail.
9. Application is disposed of accordingly.
10. These are my prima facie observations and the trial Court may not be influenced by that.
11. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)