

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 780 OF 2023**

1. Arvind @ Avinash Mhatre
2. Satyawar @ Chinya Bandu Mhatre
3. Sandeep Mhatre ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Kuldeep Patil a/w Ms. Saili Dhuru a/w Mr. Nikhil Hire a/w Ms. Neha Maru a/w Mr. Soham Pawar for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Prashant Hagare for the Complainant.

.....

CORAM : N.R. BORKAR, J.
DATED : 15 MARCH 2023

P.C. :-

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. 21 of 2023 registered at Taloja Police Station, Navi Mumbai for the offences punishable under Sections 394, 395, 506 (2) of the Indian Penal Code and Sections 3 r/w 25 of the Arms Act.

3. I have heard the learned counsel for the applicants and the learned APP for the respondent-State.

4. The anticipatory bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record the copy of the order passed by the Additional Sessions Judge, Panvel dated 21 February 2023 in Criminal Anticipatory Bail Application No. 74 of 2023. By the said order, the Sessions Court has released the co-accused- Rahul Bhiva Mhatre on anticipatory bail.

5. I have perused the First Information Report. The role attributed to the applicant Nos. 2 and 3 and the said co-accused- Rahul Bhiva Mhatre appears to be identical. The main allegations are against the co-accused- Rajkumar Mhatre. The only overt act attributed to the applicant No. 1 is that, he kicked the complainant at his back. Considering the overall facts and circumstances, I am inclined to release the applicants on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicants in Crime No. 21 of 2023 registered at Taloja Police Station, Navi Mumbai for the offences punishable under Sections 394, 395, 506 (2) of the Indian Penal Code and Sections 3 r/w 25 of the Arms Act, they shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall attend the concerned police station as and when called by the Investigation Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)