

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.846 OF 2023

Charankachru Phadke & Anr.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO.1112 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.846 OF 2023**

Irfan Ibrahim Shaikh	... Applicant
<i>In the matter between</i>	
Charankachru Phadke & Anr.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr. Gaurav Parkar for the applicant.

Ms. Shaheen Kapadia i/by Ms. Vrushali L. Maindad for
the applicant in IA & Intervener.

Ms. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2023

P.C.:

1. Apprehending arrest of the applicant in connection with C.R. No.62 of 2023 for offences punishable under sections 324, 326, 341, 427, 307 and section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, while the informant was returning to his home on his brother's motorcycle, the accused persons followed him. The role attributed to the applicant is of assaulting the informant and his friend. It is alleged that the applicant No.1 assaulted left hand of the informant with iron rod resulting into one stitch. The applicant No.2 assaulted the informant on his back. It is alleged that the applicant No.1 assaulted informant's friend on his ankle resulting in three stitches.

3. The applicant, therefore, filed an application under section 438 of the Criminal Procedure Code, 1973, which has been rejected by order dated 16th March 2023.

4. On perusal of the material on record and after hearing learned advocate for the intervener, it appears that role attributed to the applicant in the report and at the stage of investigation is of assaulting the informant on his hand and informant's friend's ankle. The resultant injuries are not grievous.

5. Considering the nature of allegations, custodial interrogation of the applicant is not necessary.

6. Learned advocate for the informant expressed apprehension of informant which can be taken care by imposing appropriate condition. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.62 of 2023 for offences punishable under sections 324, 326, 341, 427, 307 and section 34 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing PR Bond in the sum of Rs.50,000/-, along

with one or two sureties in the like amount;

b) The applicant shall not enter village Vavanje till the conclusion of trial;

c) The applicant shall present before the investigating officer on 26th, 28th and 30th of June 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;

d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

e) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

f) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

7. The anticipatory bail application is disposed of in above terms.

8. In view of disposal of the anticipatory bail application, nothing remains to be adjudicated in the interim application. The same is disposed of.

(AMIT BORKAR, J.)