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

ANTICIPATORY BAIL APPLICATION NO.886 OF 2023

Kamlakar @ Kamlesh Shantaram Mhatre ...Applicant
vs.
State of Maharashtra ...Respondent

Mr. Sumeet Gemnani i/b Mr. S. R. Pille for the Applicant.
Mr. Y. Y. Dabke APP for the Respondent-State.
Mr. R. C. Ghanvat, API, Ambernath (West) police station present.

CORAM : S. M. MODAK, J.

DATED : 10TH APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The Officer is present.
3. The Applicant seeks anticipatory bail in an offence registered at Ambernath police station being C.R. No.I-320 of 2022, under sections 326, 324, 323, 504, 506, 427 read with 34 of IPC. In all there are four accused persons. The present Applicant – Kamlakar @ Kamlesh Shantaram Mhatre is accused No.3. All of them have assaulted the first informant – Vinod G. Joshi, his brother Kalpesh

Joshi and their Maternal Uncle-Kashinath Mhatre. They were assaulted with help of iron rod and sticks. They have received injuries and out of them Uncle Kashinath Mhatre has received fracture on his finger. The incident took place on 22nd June 2022, at about 12 noon.

4. The present Applicant was not granted protection from arrest from the Court of Additional Sessions Judge, Kalyan. The contention is raised that there is allegation that present Applicant has assaulted the first informant with help of rod on his right leg however there is no grievous hurt to the first informant. When query is put, learned APP submitted that though injury is caused to the first informant, it is simple in nature. The certificate issued by the Sub District hospital is shown to me. Injuries are simple.

5. It is true that one iron rod is seized whereas one is yet to be seized. There is counter version to this incident. There is also another FIR No.I-321 of 2022, registered at the same police station on 22nd June 2022, at about 23.56 hours. It is under sections 324, 323, 504, 506(2) read with 34 of IPC. Harishchandra Shantaram Mhatre has lodged the said FIR. In the said FIR, the first informant-Vinod Joshi in present offence, is one of the accused along with three

named accused persons.

6. I have read particulars of that FIR. It is stated that present Applicant and one Mayur Mhatre arrived at the spot for separating quarrel. If these averments are considered then entire story stated by the first informant cannot be said to be correct story.

7. Though learned APP submitted that there is an offence earlier registered against the Applicant at Ambernath police station bearing C.R.No.36 of 2010 under sections 324, 325 read with 34 of IPC, it is 13 years old.

8. In view of above, I think purpose of investigation can be served by imposing certain conditions on the Applicant. I am saying so considering the version given in counter FIR. Hence, the following order is passed :

O R D E R

(a) In the event of arrest, the Applicant-Kamlakar @ Kamlesh Shantaram Mhatre be released on bail on furnishing personal bond and surety bond of Rs.25,000/- in connection with C.R. No.I-320 of 2022, registered with Ambernath police station for the offences punishable under sections 326, 324, 323, 504, 506, 427 read with 34 of IPC read with 34 of IPC.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner
 - (c) The Applicant shall give attendance to the Ambernath police station on every Friday from 10 am to 12 noon till filing of the charge-sheet.
 - (d) Needless to say, violating of the conditions above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.
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.]