

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

ANTICIPATORY BAIL APPLICATION NO. 888 OF 2023

1. Karishma Arvind Sakat
2. Mrs. Arati Shantaram Sakat &
3. Laxmi Shantaram Sakat ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Rajendra Rathod a/w. Umar Dalvi for the Applicant.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 28th MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No. 86 of 2023 registered with R.A.K. Marg Police Station, Mumbai for offences under Section 143, 145, 147, 149, 307, 323, 504, 506(II) r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Gajanan Vinod Kale. A perusal of the FIR prima facie reveals that on 7th

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March, 2023 there was some altercation and quarrel between one Amar and Vijay. It is stated that when the first informant tried to intervene, the Applicant and the other family members of Vijay came to the place of the incident. It is alleged that the Applicant and others caught hold of the Applicant and Vijay tried to inflict blow of broken bottle on the abdomen of the first informant. It is stated that the first informant tried to avoid the blow and that in the process the bottle hit against his thigh and he sustained injuries. Based on these allegations, aforesaid crime has been registered against the Applicants.

4. The First Information Report does not prima facie indicate that the Applicants, who are women, were armed with weapon. The only omnibus allegations against these Applicants is that they along with other co-accused had caught hold of the Complainant. The nature of accusation leveled against these Applicants would not justify custodial interrogation. In my considered view, this is a fit case for exercise of discretion under section 438 of Cr.P.C. Hence, the order.

(i) In the event of arrest of the Applicants in Crime No.86 of 2023 registered with R.A.K. Marg Police Station, Mumbai, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

- (ii) The Applicants shall report to the Investigating Officer for four days on 3rd and 4th April, 2023 from 11.00 a.m. to 2.00 p.m., and further as and when required by the Investigating Officer.
- (iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)