

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

ANTICIPATORY BAIL APPLICATION NO. 895 OF 2023

Balgovind Ramkumar Shukla and Anr. ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Shambhu Jha a/w. Mr. Sandip Dubey for the Applicant.

Ms. A.A.Takalkar, APP for the State.

Mr. Prashant Bharate, P.I. Medghwadi Police Stn.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 10th APRIL, 2023.**

P.C.

1. By order dated 27.03.2023, this Court had granted interim bail to the Applicants who are apprehending their arrest in Crime No. 71 of 2023 registered with Meghwadi Police Station for offences under Section 143, 147, 323, 324, 353, 427, 452, 504, 506 r/w. 149 of the Indian Penal Code.

2. It was observed that the material on record prima facie indicated that the first informant had attempted to use police machinery for taking possession of the premises. The Applicant had made specific allegations that the police had assaulted them. In view of the allegations made by the Applicant, this Court had directed the Investigating Officer to file a detail affidavit.

3. The medical report indicates that the Applicant No.1 had sustained grievous injury. The Investigation Officer has filed his affidavit stating

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that the Applicants were trying to break open the lock, and the witnesses Ankita Rai and Nirbhay Rai were trying to prevent them from doing so. It is alleged that in the process the blow of the hammer accidentally hit against the right hand finger of the Applicant Balgovind. The affidavit does not mention the name of the person who had inflicted blow of the hammer. It is also stated that the other applicants had also suffered injuries and they were medically examined in February 2023. Till date the Investigating Officer has not collected the medical certificate. No satisfactory explanation is forthcoming in this regard.

4. Considering the above facts, and particularly, the reasons stated in Order dated 27.03.2023, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C, Hence interim relief stands confirmed.

5. The Applicants shall report to the Investigating Officer on 13th and 14th April, 2023 between 11 a.m. to 2.00 p.m.

4. The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)