

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

ANTICIPATORY BAIL APPLICATION NO.1096 OF 2023

Dipak Rajan Deshmukh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ashish Sawant i/b. Mr. S. S. Jadhawar for the Applicant.

Mr. S.H. Yadav, APP for Respondent-State.

Mr. Jagtap, Hawaldar, Kurduwadi Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.59 of 2023 registered with Kurduwadi Police Station, District -Solapur (Rural) for the offences punishable under Sections 323, 324, 326, 504 and 506 r/w 34 of the IPC.

2. Heard Mr Sawant, learned counsel for the Applicant and Mr. Yadav, learned APP for the Respondent -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 Hanumant Bhagwat Lungse. The facts narrated in the FIR prima facie reveals that on 12/02/2023 there was a quarrel between the First Informant and the Applicant and his family. The First Informant has alleged that the Applicant herein hit him with a stone due to which he had sustained fracture.

4. The medical certificate reveals that the First Informant had a swelling on left hand and that the opinion is awaited. Till date the investigating agency has not obtained the report from the Medical Officer in respect of the nature of the injury. Hence, prima facie, there is nothing on record to indicate that the First Informant had sustained grievous injuries and consequently there is no prima facie material to indicate that the Applicant is involved in commission of offence under Section 326 or 325 of the IPC. All the other offences are non-cognizable.

5. Considering the above facts and circumstances this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.59 of 2023 registered with Kurduwadi Police Station, District -Solapur (Rural), the Applicant shall be released on interim bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for two days from 20/04/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)