

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

ANTICIPATORY BAIL APPLICATION NO.1220 OF 2023

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Jitesh Vikramji Vaishnav

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Mehul Thakker with Ms Jayashree Raje Mahadik for the Applicant.
Mr. S.H. Yadav, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th 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.179 of 2023 registered with Kandivali Station, Mumbai for the offences punishable under Sections 323, 324 and 504 r/w 34 of the IPC.

2. Heard Mr. Mehul Thakker, learned counsel for the Applicant and Mr. S.H. 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 Madhusudanan Vijayan. The facts narrated in the FIR prima facie reveal that there was a scuffle between the Applicant and Complainant and his friends. The First Informant has alleged that he and his friends were assaulted by the co-accused Yuvraj and three other persons by slaps, kicks and blows.

4. The Applicant is not named reflected in the FIR. The records also do not indicate that the Complainant has sustained any grievous injury within the meaning of Section 320 of the IPC. Hence, prima facie the offence under Section 326 of the IPC is not made out.

5. The cause title indicates that the Applicant is below 18 years of age. Learned APP states that the Investigating Officer will verify the age of the Applicant and take appropriate steps in the event he is below 18 years of age.

6. Under the circumstances and in view of discussion supra, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.179 of 2023 registered with Kandivali

Station, Mumbai, the Applicant shall be

released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the Investigating Officer 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.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)