

Suraj Horilal Saini and Others ...Applicants
vs.
The State of Maharashtra ...Respondent

CORAM: N. J. JAMADAR, J.
DATE: SEPTEMBER 21, 2023

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 186 of 2022 registered at Tulinj police station for the offences punishable under sections 326 and 504 read with 34 of Indian penal Code, 1860.
3. The applicant and co-accused Renu have been arraigned for the offences of having caused grievous hurt to the first informant and his friend Dhananjay Jaiprakash Yadav. The first informant alleged that he had gone to pacify the co-accused Renu and another lady who had a loud altercation. The applicant No. 3 Geeta abused and assaulted the first informant. Three unknown persons, one of

whom was armed with a chopper came thereat. The second was armed with an iron rod. The third person was armed with a stick. They allegedly assaulted the first informant and his friend Jaiprakash who had came to his rescue by respective weapons.

4. The learned counsel for the applicant submitted that the first information report came to be lodged as a counter blast to the First information report lodged by co-accused Renu being CR No. 184 of 2022 against the first informant for the offences punishable under sections 354, 324, 323, 504, 506 and 427 read with 34 of Indian Penal Code, 1860. It was submitted that the said first information report was first in point of time. The learned counsel further submitted that the applicant Nos. 1 and 2 were not named in the first information report though the first informant claimed to have known the co-accused Renu.

5. The learned APP invited the attention of the Court to the statement of a witness recorded on the next date of the occurrence wherein the applicant Nos. 1 and 2 were named as assailants.

6. Prima facie, two versions about one and the same incident appear to have been reported. Applicant Nos. 1 and 2 were initially not named in the first information report. The statement on which the learned APP placed reliance is that of the witness who was allegedly injured in the very same occurrence.

7. It seems that in the course of one and the same occurrence, virtually one of a free fight, the members of both the groups have sustained injuries. The aspect as to whether the injuries sustained by the first informant fall within the ambit of offence punishable under section 326 of the Code appears to be debatable as the injury certificate simply notes that one of the injuries was of grievous nature.

8. In view of aforesaid, at this length of time, the custodial interrogation of the applicant does not seem to be warranted. Hence, I am inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No.186 of 2022 registered with Tulinj police station, the applicants be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount, each.

2] The applicants shall cooperate with the investigation and attend Tulinj police station, on every Saturday in between 10 am to 12 noon till the next date.

3] The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant,

any of the prosecution witnesses or the persons acquainted with the facts of the case.

Application disposed.

(N. J. JAMADAR, J.)