

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

**ANTICIPATORY BAIL APPLICATION NO. 1597 OF 2023**

Rahul Mohan Jadhav

...Applicant

vs.

The State of Maharashtra

...Respondent

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Mr.S.G.Rajput a/w Ms.Kinjal Khandelwal – Advocate for Applicant.

Mr.S.R.Agarkar – APP for Respondent-State.

Mr.Biradar – API – Ambernath Police Station.

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**CORAM : S. M. MODAK, J.**

**DATED : 22ND JUNE 2023**

**P. C. :**

1. Heard learned Advocate Shri.Rajput for the Applicant and learned APP.

2. The present Applicant is named in the FIR filed by one Sagar Tanhaji Shekate on 25<sup>th</sup> October, 2022. The allegation is that the present Applicant has broken the camera installed in Hanuman temple Javsigaon, Taluka : Ambernath. On that account, the Applicant threatened the First-Informant why they are murmuring that he has broken the camera. On this background, present Applicant along with others assaulted Santosh Jagtap and Dashrath

Jagtap who arrived at the spot. They are the maternal aunts son of the First-Informant.

3. It is true that there is allegation that present Applicant assaulted the injured Dasharth Jagtap with knife from backside on his right gluteal region. The certificates are there on Page No.80, 81 and 83. They are in respect of injured Santosh Jagtap, Dashrath Jagtap and one Sevak Mhaskar. It is true that in all these certificates, the nature of injuries mentioned is simple. However, for the injured Santosh and Dashrath, the doctors have advised for x-ray and city scan. However, those papers were not collected and annexed to the charge-sheet. It is filed against the arrested Accused persons.

4. So, even though the allegations are there and offence under Section 326 of IPC, there are no medical certificates opining that injury falls within the purview of Section 326 of IPC and accordingly, Section 326 of IPC can be invoked. There has to be grievous hurt with dangerous weapon. Knife is dangerous weapon but there are no medical papers suggesting of a grievous hurt. Hence, case for anticipatory bail is made out. Hence, order :-

### ORDER

(i) In case of an arrest in connection with C.R. No. 537

of 2022 registered with Ambernath Police Station – Thane City for the offences punishable under Section 63 of Copyright Act, 1957 and under Sections 326, 324, 323, 504, 506, 337, 427, 143, 147, 148, 149 of IPC, 4 of IPC, the Applicant – Rahul Mohan Jadhav be released on furnishing personal bond and surety bond of Rs.25,000/-.

- (ii) Applicant is directed to attend the Ambernath Police Station – Thane City on first and third Monday from 10.00 to 12.00 noon until filing of charge-sheet.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

- 5. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
- 6. Application is disposed of in the aforesaid terms.
- 7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]