

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1613 OF 2023

Umesh Baburao Keni & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Ms. Priyanka Pandey i/by Gaurav Parkar, for the Applicants.

Mrs. Veera Shinde, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 8, 2023

P.C.:

1. The Applicant is seeking pre-arrest bail in connection with C.R. No.96 of 2023 registered with Taloja police station for offences punishable under Sections 326, 324, 323, 341, 141, 142, 143, 146, 147 & 149 of the Indian Penal Code (for short 'IPC').

2. According to prosecution, one Arfat Rashid Sayyed lodged report alleging that there is business rivalry between informant and accused No.1 because of which accused No.1 had earlier assaulted to the informant, therefore, on 19th March, 2023, the accused No.1 along with other co-accused who was one Nitin Jadhav had assaulted the informant with feast and kick blows. It is alleged that around 8 to 10 persons along with Applicant assaulted the victim. Therefore, first information report (for short 'F.I.R') lodged. The Applicant, therefore, filed an application

before learned Sessions Judge under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.'), which has been rejected by the order dated 26th May, 2023.

3. On considering of case diary and other material on record, it appears that raised assault was allegedly made by 8 to 10 persons. No specific role resulting into grievous injuries in question has been attributed to the Applicants. There are two injury certificates on record one is showing simple injuries and other is showing fracture on face. There are no antecedents to discredit of the Applicant, therefore, custodial interrogation of the Applicant is not necessary. Hence, following order:

- a) In the event of arrest in connection with C.R. No.96 of 2023 registered with Taloja police station for offences punishable under Sections 326, 324, 323, 341, 141, 142, 143, 146, 147 & 149 of IPC, the Applicants shall be released on bail on furnishing P.R. bond of Rs.25,000/- each, along with one or two sureties in the like amount.
- b) The applicants shall remain present before the concerned police station on 12th, 14th and 16th June, 2023 between 11:00 am to 1:00 pm thereafter, as and when called by the investigating officer.
- c) The Applicants shall cooperate with the investigation and make themselves available for interrogation whenever is required.
- d) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to

the court or to any police officer.

4. The Anticipatory Bail Application is stands disposed of.

(AMIT BORKAR, J.)