

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

ANTICIPATORY BAIL APPLICATION NO. 1635 OF 2023

Radheshyam Dhanraj Pal

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Satish R. Mishra - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 15th JUNE, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP Officer is present.

2. This is F.I.R. registered with Mira Road Police Station at C.R. No. 490 of 2022 dated 22/11/2022. Initially, it was registered under Sections 324, 322 and 504 of the Indian Penal Code. The present Applicant is sole accused. However it was noticed that there is fracture on the hand, the Police have applied Section 326. There is an allegation that the present Applicant abused the first informant-Siyaram, his brother on 21/11/2022 at about 7.30 p.m.. The accused came from his backside and done the assault and ran away. The first informant has taken treatment in Radhika Multispeciality Hospital, Bewalli Park, Mira Road (E). The relevant papers are shown to me.

He was hospitalized from 21/11/2022 upto 24/11/2022.

3. Apart from that, there are two F.I.R.s registered against each other at Kerakat Police Station, Dist. Jaunpur, State Uttar Pradesh, the F.I.R. bearing C.R. No. 271 of 2022 under Sections 352, 323, 504 and 506 of the Indian Penal Code is registered on the complaint of the present Applicant. The present first informant and other three are the accused persons. The incident took place on 07/07/2022. Whereas at the same Police Station, there is F.I.R. bearing C.R. No. 264 of 2022 registered on 23/07/2022 under Sections 141, 143, 147 of the Indian Penal Code. It is registered by one Lalipal who is wife of the present first informant Siyaram. The present Applicant and two others were accused persons. The incident took place on 23/07/2022. It appears that there is a background of the Civil dispute for the registration of all these F.I.R.s and happening of this incidents.

4. It may be true that the bamboo stick is used as weapon of the offence in the present crime, however it is seized from the spot. Spot panchnama recorded the said fact on 25/11/2022. I do not think that custodial interrogation is required. Hence following order :-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 490 of 2022 registered with Mira-Road Police Station for the offence punishable under Sections 324, 323 and 504 of the Indian Penal Code, the Applicant be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to give attendance to the Mira-Road Police Station, Mira Bhayander, Vasai-Virar on first and third Saturday from 10.00 a.m. to 12.00 noon until filing of the charge-sheet.
- (iv) Applicant shall not threaten the prosecution witnesses.
- (v) Applicant is directed to co-operate the Police as and when called.

6. It is made clear that these are my prima facie observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

7. Application is disposed of in the aforesaid terms.

8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]