

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1660 OF 2023

VAIBHAV
RAMESH
JADHAV
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Rayaba Dattatray Shinde & Ors.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Rahul Arote for the applicants.

Ms. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 2, 2023

P.C.:

1. At the outset, learned advocate for the applicants states that he has instructions to withdraw the application as against applicant No.2-Vipul Rayaba Shinde.
2. The anticipatory bail application is, therefore, dismissed as withdrawn as against applicant No.2.
3. This is an application under section 438 of the Criminal Procedure Code, 1973 in connection with C.R. No.479 of 2023 for offences punishable under sections 143, 147, 148, 149, 326, 324, 323, 427, 504, 506 of the Indian Penal Code, 1860.
4. According to prosecution, the informants were working in their field there was quarrel between the parties. The applicant No.1 tried to assault the informant using axe. The applicant No.2

gave blow by stick on the informant's hand and applicant No.3 gave stick blow on the informant's thigh.

5. The applicants, therefore, approached the Sessions Court which rejected the application by order dated 3rd June 2023.

6. On prima facie perusal of the material on record, subject to further investigation, it appears that there is no grievous injury. It appears that role attributed to the applicant Nos.1 and 3 is of assault by stick on thigh. Though it is alleged that applicant No.1 tried to assault the informant using axe, there is no corresponding injury attributed to the applicant No.1. The cross-FIRs' have been filed by the parties. Considering the nature of assault, at this stage custodial interrogation of the applicants is not necessary. Hence, following order:

a) In the event of arrest of the applicant Nos.1 and 3 in connection with C.R. No.479 of 2023 for offences punishable under sections 143, 147, 148, 149, 326, 324, 323, 427, 504, 506 of the Indian Penal Code, 1860, the applicants be released on bail on furnishing PR Bond in the sum of Rs.50,000/- each along with one or two sureties in the like amount;

7. The applicant Nos.1 and 3 shall remain present before the investigating officer on 4th, 7th and 9th August 2023 between 11:00 a.m. to 02:00 p.m and, thereafter, as and when called by the investigating officer;

8. The applicant Nos.1 and 3 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;

9. The applicant Nos.1 and 3 shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

10. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)