

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

ANTICIPATORY BAIL APPLICATION NO. 1765 OF 2023

Manesh Laxman Jadhav

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Satish Mishra i/by Mr. Shravan G. Naik - Advocate for the
Applicant

Mr. S. R. Agarkar - APP for the Respondent-State
Ajit Kamble – Rabale Police Station

CORAM : S. M. MODAK, J.

DATE : 03rd JULY, 2023

P. C. :-

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

2. There is an offence registered at Rabale Police Station on
30/04/023 at the instance of one Suraj Ramchandra Gupta. He was
assaulted by present Applicant and his brother-Bhavesesh with the
help of stone and co-accused Nilesh assaulted him with the help of
fists and blows. There is injury to skull. X-ray was taken and Doctors
have noticed wound on right frontal area of the skull. On this basis
offence is registered under Sections 323, 326, 504 and 506 read with

34 of the Indian Penal Code.

3. The Court of the Additional Sessions Judge, Belapur has granted anticipatory bail to co-accused Nilesh and Bhavesh. This Applicant was denied anticipatory bail considering the major role played by him. It is true that the first informant has alleged that initially this Applicant abused the first informant and also hold his collar and then the present Applicant alongwith co-accused Bhavesh thrown a stone towards the first informant.

4. Even though his role is major as compared to his brother Bhavesh, ultimately Court has to see for what purpose custodial interrogation is required. Stone is already seized from the spot. Except that there is nothing to be recovered. So there can be attendance condition. Hence the Order:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 206 of 2023 registered with Rabale Police Station for the offence punishable under Sections 323, 326, 504 and 506 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 Rabale Police Station, Navi Mumbai on Monday and Friday from 02.00 p.m. to 04.00 p.m. till filing of the charge-sheet.
- (iv) Applicant shall not threaten the prosecution witnesses and allure them in any manner.
- (v) Applicant shall not leave India without leave of the Trial Court.
- (vi) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail.

5. 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.

6. Application is disposed of in the aforesaid terms.

[S. M. MODAK, J.]