

*SA Pathan*

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

**ANTICIPATORY BAIL APPLICATION NO. 1769 OF 2023**

Rahul Balasaheb Tapkir & Anr. ... Applicants  
V/s.  
The State of Maharashtra ... Respondent

Mr.Ayush Pasbola a/w. Mr. Adesh Kondeshmukh, Mr.  
Devashish Dhanjode, for the Applicants.

Mrs. VeeraShinde, APP for the State-Respondent.

Mr. D. S. Navare, PSI, Dighi police station.

**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 26, 2023**

**P.C.:**

1. Apprehending arrest in connection with C.R.No.246 of 2023 registered with Dighi police station for the offences punishable under Sections 323, 326, 504, 506 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC') and under Section 37(1)(a), 135 of the Maharashtra Police Act, 1951, applicants are filed present anticipatory bail application seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.PC.').

2. According to the prosecution, on 3 June 2023 at about 7:45 pm in the parking area of Sketch Hotel at Spring Valley Building Wadmukhwadi, applicants along with other co-accused assaulted the informant. The role attributed to applicant No.1 is of fist and blows. Applicant No.2 allegedly assaulted the informant by fist and

blows on his eye.

**3.** Applicants, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 14 June 2023. Aggrieved thereby, the applicants have filed the present anticipatory bail application.

**4.** On perusal of the report and material on record, injury certificate, medico legal certificate, prima facie it appears that the serious caused to the informant at this stage cannot be attributed to applicants. In the report, it is alleged that applicant No.1 assaulted informant by fist and blows. Applicant No.2 allegedly assaulted informant by fist and blows on his eye. The medico legal certificate dated 3 June 2023 does not show corresponding serious injuries which can be attributed to applicants, therefore, custodial interrogation of applicants is not required. Hence, following order:

**a)** In the event of arrest in connection with C.R. No.246 of 2023 registered with Dighi police station for the offences punishable under Sections 323, 326, 504, 506 r/w 34 of IPC and under Section 37(1)(a), 135 of the Maharashtra Police Act, 1951, applicants 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)** Applicants shall remain present before the concerned police station on 28<sup>th</sup>, 30<sup>th</sup> June, 2023 and 3<sup>rd</sup> July, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

- c) 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.
- d) Applicants 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.
- e) Applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

5. The anticipatory bail application stands disposed of.

**(AMIT BORKAR, J.)**