

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1791 OF 2023

Viraj Chandrabhan Kalbhor	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Vikas B. Shivarkar for the applicant.

Mr. Pandurang H. Gaikwad, APP for the respondent/State.

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Date: 2023.07.06
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CORAM : AMIT BORKAR, J.

DATED : JULY 5, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.357 of 2023 at Loni Kalbhor Police Station, Pune for offences punishable under sections 326, 323, 504, 506, 143, 147, 148, 149 read with section 34 of the Indian Penal Code, 1860 and section 37(1)(3) of the Maharashtra Police Act, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, due to uploading of a story by informant's son on a social media site, there was a quarrel between the applicant and complainant and one Ejaz. Beside Kawadi Paat toll plaza the applicant assaulted and threatened Ejaz. According to the prosecution, the applicant called upon other co-accused to assault Ejaz. It is alleged that in the said assault by the accused persons, Ejaz suffered injuries on head, nose and lower portion of

the left eye. The complainant, therefore, lodged a report with respondent No.1 police station on 5th June 2023.

3. The applicant, therefore applied before the Sessions Judge under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 21st June 2023.

4. On perusal of the report and statements of the witnesses, specific role attributed to the applicant is of slapping Ejaz. In the later part of the report, role of assault by belt having iron clips has been attributed to four persons including the applicant. In absence of any material, at this stage, attributed role causing injury to Ejaz, the applicant deserves protection under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No. 357 of 2023 at Loni Kalbhor Police Station, Pune for offences punishable under sections 326, 323, 504, 506, 143, 147, 148, 149 read with section 34 of the Indian Penal Code, 1860 and section 37(1)(3) of the Maharashtra Police Act, the applicant shall be released on bail on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the investigating officer on 10th, 12th and 14th July 2023 between 11:00 a.m to 02:00 p.m. and, thereafter, as and when called by the investigating officer.

c) The applicant 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) The applicant 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) The applicant shall, at the time of execution of the bond, furnish his 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 in above terms.

(AMIT BORKAR, J.)