

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

ANTICIPATORY BAIL APPLICATION NO. 1834 OF 2023

Abhishek Ravindran Moothedath

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Manoj Kumar Tiwary for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 18th JULY, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.195 of 2023 registered at RAK Marg Police Station for offences under Section 307, 504, 506(2) r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Sachin Gangaram Thorat. The facts narrated in the FIR prima facie reveal that on 18.06.2023 two unknown persons came on a scooty and they assaulted one Swami Pradeep Javale. It is stated that one person

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had caught hold of him, and the other unknown person had inflicted blows of knife on his back, shoulder, right hand etc. It is stated that the said two persons had also threatened the people who had gathered at the spot.

4. The injured has named the assailants as Siddesh @ Chocolate. He has stated that the Applicant and the co-accused Vivek were also present at the spot of the incident, and that they had held him while the co-accused Siddesh inflicted the injuries.

5. The incident was of 18.06.2023. Till date the Investigating Officer has not collected the injury certificate. The medical case summary placed before me reveals that the injured had sustained a stab injury. The medical records do not indicate the nature of injury, or does not specify the part of the body where the injury was allegedly inflicted. Be that as it may, the records do not indicate that the Applicant was armed with any weapon, or that the Applicant had inflicted an injury on the injured witness Swami Javale.

6. Considering the role attributed to the Applicant, in my considered view, this would be a fit case to exercise discretion under Section 438 of Cr.P.C. in favour of the Applicant. Hence the order:

- (i) In the event of arrest of the Applicant in Crime No.C.R.No.195 of 2023 registered at RAK Marg Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 24th and 25th July, 2023, between 11.00 a.m. to 2.00 p.m.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicant shall not interfere with the Complainant, the injured or any other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)