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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2042 OF 2023

Sandeep Machindra Budhavale

...Applicant

vs.

State of Maharashtra

...Respondent

....

Mr. Nitin S. Satpute a/w Mr. Deepak Jagdev for the Applicant.

Ms. A. A. Takalkar, APP for the Respondent-State.

....

**CORAM : ANUJA PRABHUDESSAI, J.**

**DATE : 27 JULY 2023**

**P.C. :**

1. This is an Application under section 438 of Criminal Procedure Code, 1973 filed by the aforesaid Applicant apprehending his arrest in Crime No.440 of 2023 registered at Samata Nagar police station, Brihanmumbai, for the offence punishable under sections 326, 504, 506 r/w 34 of the Indian Penal Code, 1860.

2. Heard Mr. Nitin S. Satpute, learned counsel for the Applicant and Ms. A.A. Takalkar, APP for the Respondent-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 Jitesh Parasnath Vishwakarma. It is alleged that the Applicant and others assaulted the first informant and Navnath by kicks and fists blows. It is further stated that the co-accused Amol Kamble hit a stone on the nose of Navnath and thus caused a grievous injury. The Applicants are also alleged to have abused and threatened the first informant and the injured witness.

4. The facts narrated in the FIR *prima facie* reveal that there was an altercation and scuffles between both the groups. The material on record does not, *prima facie*, indicate that the Applicant herein was armed with any weapon. He has not inflicted any grievous injury on the first informant or Navnath. The only role attributed to him is that he had assaulted the first informant and the witness Navnath with kicks and fists blows.

5. Considering the role attributed to the Applicant, in my considered view, this is a fit case to grant bail. Hence, the Applicant is released on bail on the following terms and conditions;

- (i) In the event of arrest of the Applicant in Crime No.440 of 2023 registered at Samata Nagar police station, Brihanmumbai the Applicant shall be released

on bail on furnishing PR bond of Rs.25,000/-  
(Rupees Twenty Five Thousand only) with one or  
two sureties in the like amount;

- (ii) The Applicant shall report to the Investigating Officer for two days on 1<sup>st</sup> and 2<sup>nd</sup> August, 2023 between 11.00 am to 2.00 pm;
- (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 and the other witnesses, or tamper with the evidence in any manner.

6. The Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)