

Nikita

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

**ANTICIPATORY BAIL APPLICATION NO.2221 OF 2023**

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Shivraj Deepak Taware

... Applicant

**V/s.**

State of Maharashtra

... Respondent

Mr. Rupesh A. Zade, a/w Ms. Priyanka Gupta, for the  
Applicant.

Mrs. Rutuja Ambekar, APP for the State/Respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : AUGUST 8, 2023**

**P.C.:**

**1.** Apprehending arrest in connection with C.R. No.351 of 2023 registered with Malegaon Police Station, for offences punishable u/s 363, 324, 327, 341, 323, 143, 147, 148 and 149 of the Indian Penal Code, 1860. The applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

**2.** The prosecution case in brief is as under:

The complaint was lodged by one Mukid Gulam Rasul Qureshi with Malegaon Police Station residing at Karmala, Taluka-Karmala, Solapur. It is alleged that he is residing at given address along with his family motor cycle to police station. It is alleged that the time complainant was taken to police station motor cycle ran out of petrol after some distance, then they took his pick up

tmepo and left him at Police station. It is alleged that then the complainant described the incident to the Police and police gave him paper to go to the hospital.

**3.** It is alleged that then his acquaintance Qureshi came there and took him to hospital for treatment.

**4.** The applicant, therefore, approached the Sessions Judge by application under Section 438 of the Criminal Procedure Code, 1973 which came to be rejected by order dated 31<sup>st</sup> July 2023.

**5.** On perusal of the material including, case diary and injury certificate, it appears that the injury allegedly caused to informant is simple. No specific role is attributed to the applicant. Considering overall nature of the allegations and material on record, the applicant has made out a case for relief under Section 438 of the Code of Criminal Procedure, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.351 of 2023 for offences punishable u/s 363, 324, 327, 341, 323, 143, 147, 148 and 149 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. bond in the amount of Rs.25,000/- with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 11<sup>th</sup>, 14<sup>th</sup> and 17<sup>th</sup> August, 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

c) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;

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;

**6.** The anticipatory bail application stands disposed of. No costs.

**(AMIT BORKAR, J.)**