



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

ANTICIPATORY BAIL APPLICATION NO. 2245 OF 2023

1. Akash Pandurang Dalavi
2. Ramraje Kundlik Chorghade
3. Pravin Valmik Bhosale
4. Sachin Kundlik Chorghade
5. Balaji Shrirang Doifode

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Sr. Advocate Mr. Mihir Desai a/w. Rishika Agarwal i/b. Rebecca Gonsalves for the Applicant.

Mr. R.M.Pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI , J.
DATED : 10th AUGUST, 2023.**

P.C.

1. The applicants apprehend arrest in C.R.No.256 of 2023 registered with Barshi Taluka Police Station for offences under Section 143, 147, 148, 307, 323, 324, 327, 354, 506 of the Indian Penal Code.

2. Heard learned Counsel for the Applicants, 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 Ashutosh @ Ashruba Bajrang Gavhane. The records prima facie reveal

that on 19.06.2023 at about 1.11 a.m. the applicant and others were inquiring into illegal extraction of sand. The applicant nos.1, 2 and 3 video recorded the same and posted the same on face book live. It is alleged that the first informant and others assaulted the applicant nos.1, 2 and 3. The police were informed about the incident. They came to the place of the incident and took the injured to the hospital. It is stated that the applicant no.1 was admitted to the hospital till 7.7.2023. The applicant lodged the FIR on 20.06.2023 against the first informant and others, pursuant to which Crime No. 254 of 2023 came to be registered against the first informant and others. The first informant and others were arrested on the basis of the said FIR lodged by the applicant.

4. The records reveal that on 20.06.2023, the first informant got himself admitted in the hospital and lodged the FIR on the same date at about 11.52 p.m. alleging that the applicants had gone to his house armed with weapons, and assaulted him and his mother. The records reveal that the first informant had sustained incised wound on his right arm and one CLW on lateral aspect of limb caused by a hard blunt object. The injury is stated to be simple in nature. It is stated that apart from the first informant, no other person had sustained injury in the said incident.

5. Considering the nature of the accusation in FIR No.256 of 2023, it

appears that there was scuffle between both the parties over video recording of illegal extraction of sand. Prima facie, there does not appear to be any intention to cause death of the first informant or other witnesses.

6. Considering the above facts and circumstances, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.256 of 2023 registered with Barshi Taluka Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer for two days on 16th and 17th August, 2023, between 11.00 a.m. to 2.00 p.m.
- (iii) The Applicants 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 Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

- . **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)