

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

ANTICIPATORY BAIL APPLICATION NO. 2288 OF 2023

Mr. Bharat Bachchubhai Bhojaviya	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Ms. Daania Verma h/f. Mr. V.K. Dubey and Associates for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. Amol Kamble, PSI, Dindoshi Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.87/2023 registered at Dindoshi Police Station, Mumbai for offences punishable under sections 324, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and 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 Uday Devadia. The facts narrated in the FIR prima facie reveal that on 05/02/2023, the co-accused Karsan Bhojaviya had threatened the first

informant to withdraw the case against him. It is stated that some time later, said Karsan Bhojaviya came along with the co-accused Vipul and Domchi and one unknown person armed with wooden sticks. It is stated that the co-accused Vipul assaulted the first informant with a wooden stick and the others inflicted injury on his friend – Bhaven Barot by a sword. The FIR does not name the Applicant herein. Learned APP states that though the first informant had disclosed the name of the Applicant, the Investigating Officer has not recorded his supplementary statement. If this be so, the Investigating Officer needs to give explanation for lapses in the investigation.

4. Be that as it may, learned APP concedes that none of the witnesses have identified the Applicant herein. The hurt certificates reveal that the first informant had sustained a fracture of shoulder and Bhaven Barot had suffered CLW. Both these injuries were caused by blunt object. The Applicant was not involved in inflicting injury on the first informant.

5. The material on record does not prima facie indicate that the Applicant was present at the place of the incident and/or that he was involved in inflicting injury on the first informant and his friend

Bhaven Barot. In such circumstances, 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 :-

(a) In the event of arrest of the Applicant in C.R.No.87/2023 registered at Dindoshi Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer on 21/08/2023 and 22/08/2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer

informed of his current address and mobile contact numbers,
and/or change of residence or mobile details, if any, from time
to time.

6. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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