

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2324 OF 2023

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Dhananjay Shankar Temgire & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Sanjeev Kadam with Mr. Prashant Raul and Mr.
Pratik P. Deshmukh for the applicants.

Ms. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 19, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.114 of 2023 dated 1 July 2023 registered with Pargaon Karkhana Police Station for offences punishable under Sections 279, 323, 337, 338, 34, 365, 504, 506, 427 of the Indian Penal Code, 1860 and under Section 184 of the Motor Vehicle Act, the applicants are seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. The case of prosecution in short is that on 1 July 2023 a four-wheeler car bearing No.MH-14/EY-5049 dashed a two-wheeler bearing No.MH-14/CT-522. In the said accident, father of the applicants, Shankar Baban Temgire and one Sandip Kondaji Bhor who was riding the motor bike were injured. The said

accident took place at 8.00 a.m. at Mindevasti on Nagapur Manchar Road. It is alleged that crowd gathered at the said spot of the accident started arguing with the first informant and two persons from the said crowd started beating him and gave bad words to him and to his father and mother who were in the car. It is further alleged that the said two persons kept the injured Shankar Baban Temgire in their white colour Wagon R bearing No.MH-14/HQ-7687 and snatched the informant's car key and further started forcing him to sit in their car and took him to Bhosari, where the injured Shankar Baban Temgire was later admitted. The doctor informed that the leg of Shankar Baban Temgire was broken. Accordingly, first information report came to be lodged.

3. The applicants filed application under Section 438 of the Criminal Procedure Code, 1973 before the learned Sessions Judge which came to be rejected by order dated 5 August 2023. The applicants, therefore, filed present anticipatory bail application.

4. Perusal of the report and case diary produced on record, it appears that the incident occurred due to accident of applicants' father with the informant's bike. Role attributed to the applicants is that they forced informant to accompany them to the hospital along with their injured father. Report indicates that thereafter the informant received a call from his friend and left the hospital on his own volition.

5. On overall consideration of the allegations, custodial interrogation of the applicants is not necessary. Hence, following

order:

- a) The anticipatory bail application is allowed;
- b) In the event of arrest of the applicants in connection with C.R. No.114 of 2023 dated 1 July 2023 registered with Pargaon Karkhana Police Station for offences punishable under Sections 279, 323, 337, 338, 34, 365, 504, 506, 427 of the Indian Penal Code, 1860 and under Section 184 of the Motor Vehicle Act,, they be released on bail on furnishing P.R. Bond in the amount of Rs.15,000/- each with one or two sureties in the like amount;
- c) The applicants shall remain present before the investigating officer on 21, 23 and 25 August 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;
- d) The applicants shall cooperate with the investigation and make themselves available for interrogation whenever required;
- e) The applicants 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;
- f) The applicants 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;
- g) The applicants shall, at the time of execution of the

bond, furnish their 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 in above terms. No costs.

(AMIT BORKAR, J.)