



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

ANTICIPATORY BAIL APPLICATION NO. 2338 OF 2023

Sagar Rajendra Gadsingh ...Applicant
Versus
State of Maharashtra and anr. Respondents

Ms. Pooja Agarwal, a/w Suyash Khose, for the Applicant.
Mr. M. G. Patil, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 4th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.539 of 2023, registered with Wakad Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 397, 341, 323, 504 and 506 of Indian Penal Code, 1860 ("the Penal Code"), Sections 4 and 25 of the Arms Act, 1959, Section 3 and 7 of the Criminal Law (Amendment) Act, 2013 and Sections 37(1), 37(3) read with Section 135 of the Maharashtra Police Act, 1951.

3. The indictment against the applicant is that on 2nd June, 2023 at about 7.30 pm. the applicant accosted the first

informant and Yuvraj Salve and raked up quarrel over previous animosity. They started to beat Yuvraj by fist and kick blows. When the first informant went to rescue Yuvraj, he was also assaulted and applicant Sagar picked up a cement block and gave a blow on the head of the first informant. Co-accused also assaulted Yuvraj by means of the cement block. Co-accused Appa Pawar allegedly robbed the first informant of Rs.1,800/- on the point of a chopper.

4. The learned Counsel for the applicant submitted that the injured have sustained simple injuries. The offence punishable under Section 397 of the Penal Code is not *prima facie* made out.

5. I have perused the injury certificate. The injured has sustained simple injuries over forehead and middle of scalp. The role of robbing the first informant, on the point of chopper, is attributed to accused No.1 Appa Pawar. The role attributed to the applicant is that of assaulting the first informant by means of a cement block, which was lying at the scene of occurrence. Since the informant has sustained simple injuries, I am inclined to exercise the discretion in favour of the applicant.

6. Hence, the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.539 of 2023, registered with Wakad Police Station, Pimpri-Chinchwad, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Wakad Police Station, Pimpri-Chinchwad, on every alternate Sunday in between 10.00 am. to 1.00 pm. for the period of two months.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any person acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]