

Raju Shravan Chavhan and Another	...Applicants
vs.	
The State of Maharashtra	...Respondent

CORAM: N. J. JAMADAR, J.
DATE: AUGUST 24, 2023

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.231 of 2023 registered at Naupada police station, Thane for the offences punishable under section 143, 174, 149, 323, 326 and 504 of Indian penal Code, 1860.
3. The allegation against the applicants is that on 5th August, 2023 the applicants and the co-accused formed an unlawful assembly and in prosecution of the common object of the said unlawfully assembly they assaulted the first informant by means of stick and iron rod.
4. The learned counsel for the applicants submitted that in respect of the very same incident, the first informant had lodged a

report, prior in point of time, at Naupada police station. The first informant, with a view to give a counter blast, lodged an exaggerated first information report at about 4.00 pm on 6th August, 2023.

5. Learned APP submitted that the injury certificate indicates that the first informant had sustained a fracture of the little finger of left hand. It is further submitted that there are antecedents of the applicants.

6. The assault on the left hand of the first informant was allegedly by means of a wooden stick. Copy of the first information report No. 229 of 2023 indicates that the applicant No. 1 had reported the incident at about 7.37 am on 6th August, 2023. Prima facie there appear to be two versions in respect of one and the same occurrence.

7. In the circumstances, since the injury sustained by the first informant does not seem to be on the vital part of the body and alleged assault was by means of a wooden stick, I am inclined to exercise the discretion in favour of the applicants.

Hence, the following order.

ORDER

1] Application stands allowed.

2] In the event of arrest in C.R. No. 231 of 2023 registered with Naupada police station, Thane the applicants be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- each with one or two sureties in the like amount.

3] The applicants shall cooperate with the investigation and attend Naupada police station, on every alternate Sunday between 10 am to 12 noon for a period of two months from today.

4] The applicants shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any of the prosecution witnesses.

5] It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail.

(N. J. JAMADAR, J.)