



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2496 OF 2023**

Sakharam Keshav Sawant

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Rahul Arote, for Applicant.

Mr. M.G.Patil, APP for State.

Mr Samadhan Mali, PSI, Goregaon Police Station, present

CORAM: N.J.JAMADAR, J.

DATE : 4 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.517 of 2023 registered with Goregaon Police Station for the offences punishable under Sections 323, 324, 326, 504 of the Indian Penal Code, 1860.
3. The indictment against the applicant is that on 21 August 2023 at about 11.30 a.m., while the injured Abdul I. Shaikh was driving the autorikshaw, the applicant came from behind on a motorcycle and started to honk horn in a loud manner. Altercation ensued. The applicant allegedly abused and assaulted the injured. The applicant picked up a bamboo stick and assaulted the injured by means of bamboo stick on the head and other part of the body. The injured sustained bleeding injury and was shifted to the hospital of Dr. Yadav. The wife of the injured reached

the hospital and, thereafter, lodged a report.

4. The learned Counsel for the Applicant submitted that the incident occurred at the spur of the moment. The assault was not pre-mediated. Allegedly, the applicant had picked up a stick which was lying on the road. It was further submitted that the applicant had accompanied the injured to the hospital and also incurred the expenses of the medical treatment of the injured.

5. The allegations in the FIR and the statement of the injured indicate that it was a case of road rage. The applicant was not initially armed. It seems that in the heat of the moment, the applicant had picked up a stick lying on the road and gave blow by the stick. The presence of the applicant at the hospital where the injured was shifted is borne out by the FIR and the statement of the injured. Moreover, the weapon of the offence has allegedly been recovered.

6. In the circumstances, at this stage, custodial interrogation of the applicant does not seem to be warranted for further investigation. The applicant appears to have roots in society and possibility of fleeing away from justice appears to be remote. Hence, I am persuaded to exercise the discretion in favour of the Applicant.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Sakharam Keshav Sawant in

connection with C.R.No.517 of 2023 registered with Goregaon Police Station, 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 co-operate with the investigation and report to Goregaon Police Station Police Station on every alternate Sunday from 10.00 a.m. to 12.00 noon for a period of one month.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The applicant shall furnish his permanent address and contact details to the Investigating Officer and intimate the change, if any.

(v) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The Application stands disposed.

(N.J.JAMADAR, J.)