



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2708 OF 2023**

Tushar Dattatraya Shelke	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Prashant Hagare, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Vikas Dashrath Kapre, P.N. Yawat Police Station, Pune (R) present.

CORAM: N.J.JAMADAR, J.

DATE : 26 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.1052 of 2023 of 2023 registered with Yawat Police Station for the offences punishable under Sections 323, 326, 341, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. The first informant is the neighbour of Swati Dattatraya Shelke - co accused. On 14 August 2023, there was an altercation between the co-accused and the first informant's nephew Jeevan Shelke. On the same day at about 1.00 p.m., while the first informant and her nephew - Jeevan were on their way to Kedgaon, the applicant and the co-accused Dattatraya and Swati Shelke intercepted them. The Applicant allegedly assaulted Jeevan by means of wooden log. While the first informant went to the rescue of Jeevan, the applicant assaulted her by means of a

wooden log and she sustained fracture in her right hand. The first informant, thus, lodged report.

4. The learned Counsel for the applicant submitted that the wooden log with which the accused had allegedly assaulted the first informant has been recovered. The Scorpio in which the applicant and the co-accused had allegedly reached the spot would be surrendered before the Investigating Officer for the purpose of investigation. The incident had occurred at the spur of moment and there was no premeditation. To facilitate further investigation, custodial interrogation of the applicant is not warranted.

5. The learned APP invited the attention of the Court to the injury certificate, which indicates that the first informant had sustained a fracture of right hand.

6. Evidently, the offences have their genesis in the dispute between the neighbours. The weapon of offences has already been recovered. Statements of the injured seem to have been recorded. In the backdrop of the nature of occurrence and the accusation against the applicant, custodial interrogation of the applicant does not seem to be warranted. The Applicant appears to have roots in society and the possibility of fleeing away from justice also seems to be remote. I am, therefore, inclined to exercise discretion in favour of the applicant while directing him to join in the investigation and produce the Scorpio Car before the Investigating Officer.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Tushar Dattatraya Shelke in connection with C.R.No.1052 of 2023 registered with Yavat 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 Yavat Police Station on every alternate Saturday from 10.00 a.m. to 1.00 p.m. till the filing of the chargesheet.

(iii) The Applicant shall produce Scorpio Car before the Investigating Officer for the purpose of investigation.

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

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

(vi) The Application stands disposed.

(N.J.JAMADAR, J.)