



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2852 OF 2023**

Vimal Kumar Singh

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Nikilesh Pote, for Applicant.

Mr. Shrikant H. Yadav, APP for State.

Mr. Amol A. Patankar with Mr. Dilip Devalikar, Mr. Vatsal Thakkar, for Intervener.

Mr. Sachin Patil, API, Panvel Taluka Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 11 OCTOBER 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.201 of 2023 registered with New Panvel Police Station for the offences punishable under Sections 326 read with Section 34 of IPC.

3. The first informant is working as a driver with Reefer India. On 3 August 2023 at about 00.30 hrs., the applicant who is the owner of Millennium Company came in front of Reefer India along with four persons. Mr. Santosh Patel, the injured, who was the watchman at the premises of Reefer India, confronted the applicant and the co-accused. As the applicant and the co-accused allegedly threatened to forcibly take away the truck bearing Registration No.MH-43/BP-4529, the said injured resisted them. Thereupon, the co-accused assaulted the injured by

means of iron pipe. The injured sustained a fracture on the left hand palm. Hence, the report.

4. The learned Counsel for the Applicant submitted that there is a dispute between the applicant and Celcius Logistic Solutions Pvt. Ltd. over the payment of the hire charges of the said Truck supplied by the applicant. Thus, the applicant has been falsely roped in.

5. The learned APP invited the attention of the Court to the injury certificate which indicates that the injured has sustained a fracture on the left palm.

6. The learned Counsel for the intervener also resisted the prayer for pre-arrest bail.

7. From the perusal of the allegations in the FIR, it appears that the applicant allegedly tried to re-possess the vehicle which was supplied to the company at which the injured was working as a watchman. The role of assault to the injured is attributed to the unknown persons, who allegedly accompanied the applicant. In the backdrop of the fact that only one injury is suffered by the injured and having regard to the nature of the injury, the question as to whether the offence punishable under Section 326 of the IPC is made out, would be debatable.

8. Nonetheless, as the injured has sustained an injury, the learned Counsel for the applicant submitted that without prejudice to the rights and contentions and admitting the liability, the applicant is willing to make a provision for the medical

expenses and treatment of the injured.

9. The Applicant appears to have roots in society. The possibility of fleeing away from justice and tampering with the evidence appears to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

10. Hence, the following order :

ORDER

(i) The applicant shall deposit an amount of Rs.30,000/- with the Investigating Officer for being paid over to Mr. Santosh Patel, an injured, without prejudice to the rights and contentions of the applicant towards the expenses of medical treatment within a period of one week.

(ii) Subject to aforesaid deposit, in the event of the arrest of the Applicant – Vimal Kumar Singh in connection with C.R.No.201 of 2023 registered with New Panvel 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.

(iii) The Applicant shall co-operate with the investigation and report to New Panvel Police Station on 20th and 21st October 2023 in between 10.00 a.m. to 1.00 p.m. and, thereafter, as and when directed by the Investigating Officer.

(iv) 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.

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

(vi) The application stands disposed.

(vii) It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)