



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3012 OF 2023**

Suraj Shantaram Phuge

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Prakash Chavan i/by Ms. Pooja Agarwal with Ajay Gawali, for Applicant.

Mr. S.H.Yadav, APP for State.

Mr. Ashok Kendre, PSI Bhosari Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 30 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.807 of 2022 registered with Bhosari Police Station for the offences punishable under Sections 326 read with 34 of the Indian Penal Code.
3. The first informant's son Musef was allegedly assaulted by the Applicant and his associates. The first informant lodged a report with the assertion that Sudarshan Rakshe, one of the friend of the injured, had informed him that the applicant and co-accused have assaulted the injured by means of an iron rod.
4. The learned Counsel for the Applicant submitted that the co-accused Tushar Phuge was given dispensation of pre-arrest bail by the learned Additional Sessions Judge, Pune. The allegations in the FIR are omnibus. Iron rod has already

been recovered from the scene of occurrence and, therefore, the custodial interrogation of the applicant is not warranted.

5. Learned APP, on the other hand, stated that the injured has stated that the applicant was the assailant.

6. I have perused the statement of the injured – Musef. He has attributed the role of assault to the applicant. However, from the perusal of the remand report, it appears that the iron rod was having length of 24 inches. The injury certificate indicates that the injured had sustained blunt trauma on right side of parietal region. In the circumstances, the question as to whether the injured sustained grievous hurt, would be a matter for trial. Since the weapon of offence has already recovered and the co-accused had been granted pre-arrest bail, I am inclined 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 – Suraj Shantaram Phuge in connection with C.R.No.807 of 2022 registered with Bhosari 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 Bhosari Police Station on 6th, 7th and 8th November 2023 in between 10.00 a.m. to

1.00 p.m., and thereafter, as and when directed.

(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 regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

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

(N.J.JAMADAR, J.)