



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3093 OF 2023**

Shubham Anil Choraghe & Ors.	...	Applicants
versus		
The State of Maharashtra	...	Respondent

Mr. Lokesh Zade, for Applicant.
Mr. S.H.Yadav, APP for State.
Mr. Vishwas Dagale, PI Hadapsar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 1 NOVEMBER 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.1483 of 2023 registered with Hadapsar Police Station for the offences punishable under Sections 354, 354D, 143, 147, 149, 323, 504, 427 read with Section 34 of the Indian Penal Code.
3. The first informant was driving a car bearing Registration No.HP-63-A-7301 on his way to Pune. His wife and children were also accompanying him. A Ciaz Car bearing registration No.MH-12/LV-8262 gave dash to the car of the first informant from behind. Initially they went to Yavat Police Station. As the accident had occurred within the local limits of Jejuri Police Station, they were directed to approach Jejuri Police Station. The first informant declined to go to Jejuri Police Station and

informed the driver of the other car that they could resolve the matter at Pune. The first informant alleged that he was chased by a motorcyclist, who tried to open the door of his car. When his wife resisted, the motorcyclist pulled the hand of the wife of the first informant. Later on, the said motorcyclist broke the front windshield of the first informant's car and chased them to the housing society at Hadapsar, wherein the first informant is residing. The applicant No.1 was stated to be the said motorcyclist. He was accompanied by the other co-accused. They allegedly assaulted the first informant by fists and kicks. Hence, the report.

4. The learned Counsel for the Applicants submitted that the incident had occurred on account of a road rage. There was no intent on the part of the applicant No.1 to outrage the modesty of the wife of the first informant. Rest of the offences are bailable.

5. The learned APP submitted that the first informant was chased by the applicant for about 35 kms. The first informant was assaulted by barging into his housing society. Therefore, the applicants do not deserve the exercise of the discretion.

6. Prima facie, it appears that the genesis of the alleged offences is in a road rage. It seems, the first informant was chased as the first informant refused to accompany the driver of the other car to Jejuri police station. In a situation of this nature, whether the use of criminal force to the wife of the first informant was with

intention to outrage her modesty, would be a matter for trial. Rest of the offences are bailable. As regards other the offences, in the FIR it is alleged that as the applicant No.1 had abused the first informant, the latter kicked him and thereafter there was a scuffle.

7. In the aforesaid view of the matter, I am impelled to exercise the discretion in favour of the applicants.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants - Shubham Anil Choraghe, Vishal Umesh Bhandalkar and Amar Digambar Chavan in connection with C.R.No.1484 of 2023 registered with Hadapsar Police Station, they Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Hadapsar Police Station on 8th, 9th and 10th November 2023 in between 10.00 a.m. to 1.00 p.m.

(iii) The Applicants shall not contact the first informant and his family members or any witnesses and 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 Applicants shall not enter the limits of Hadapsar Police Station for a period of six months.

(v) The applicants 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 the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)