

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3206 OF 2023

Kiran Shivaji Hake and Others ...Applicants

Vs.

The State of Maharashtra ...Respondent

Mr. Satyam Harshad Nimbalkar i/b Mr. Abhishek Ulhas
Arote with Mr. Atharv Nagne, for Applicant

.

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

Mr. Dipak A. Pawar, PC, Shirur Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 9th NOVEMBER, 2023

PC:-

1) Heard the learned counsel for the applicants and the
learned APP for the State.

2) This application is preferred for pre-arrest bail in
connection with C.R. No. 914 of 2023, registered with Shirur
Police Station, Pune for the offences punishable under Sections
323, 324, 327 and 504 read with Section 34 of Indian Penal
Code, 1860 ("the Penal Code").

3) Accused No. 1 suspected that the first informant had a role in making his wife travel to Mumbai, prior to eight months. The accused No. 1 abused and assaulted the first informant by means of brick and stone. The first informant was also assaulted by means of scythe by accused No.1. The applicant Nos. 1 and 2 also joined in the assault. Applicant No. 1 – Kiran Hake gave a blow by means of sugarcane and applicant No. 2 allegedly assaulted the first informant by means of fist blows. The first informant further alleged that at the instance of accused No. 1, applicant No. 2 had divested the first informant of a mobile phone handset and cash amount.

4) The learned Counsel for the applicants submitted that accused – Swagat had a grudge against the first informant. The role of assault by means of a weapon is attributed to the accused No. 1. The applicants have been roped in for being present at the time of the alleged offence.

5) The learned APP submitted that in the FIR, there is a specific allegation that the applicants removed the mobile phone handset and cash amount at the instance of the accused No. 1 and, therefore, custodial interrogation is warranted.

6) I have perused the allegations in the FIR. Primarily the allegations are against accused No. 1 – Swagat. The injury

certificate issued by the Rural Hospital Shirur indicates that the first informant had sustained simple injuries. The final injury certificate indicates that there was no significant trauma.

7) In this view of the matter, at this stage, the custodial interrogation of the applicants does not seem to be warranted to facilitate further investigation. The applicants have roots in society. Possibility of fleeing away from justice seems to be remote.

8) I am, therefore, impelled to exercise the discretion in favour of the applicants.

9) Hence, the following order:-

ORDER

I) In the event of arrest of the applicants in connection with C.R. No. 914 of 2023, registered with Shirur Police Station, Pune for the offences punishable under Sections 323, 324, 327 and 504 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing 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 attend Shirur Police Station, Pune on 22nd, 23rd and 24th November, 2023 in between 10.00 am to 1.00 pm and,

thereafter, as and when directed by the Investigating Officer.

III) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case

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

V) The application stands disposed.

[N. J. JAMADAR, J.]