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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3526 OF 2022

1.Abhishek Sunil Sharma ...
2.Arun Ramsevak Singh @ Talvar ...Applicants
vs.
State of Maharashtra ...Respondent

Ms. Kusum Pandey with Ms. Pragati Mishra for the Applicants.
Mr. Y. Y. Dabke APP for the Respondent-State.
Mr. Raghunath Narote API from Achole police station present.

CORAM : S. M. MODAK, J.

DATED : 3RD APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The Applicant is already granted interim protection as per order dated 23rd December 2022. There was attendance directed on three dates i.e. 28/12/2022, 29/12/2022 and 30/12/2022. There is no grievance that the Applicant has not complied with these directions.
3. One Ajay Mishra, who is son of the first informant-Amod Mishra was assaulted on 21st June 2021, by various persons of whom the arrested accused Javed Ansari is main assailant. The

present Applicants are also named therein. They have beaten injured Ajay Mishra with help of sticks, rods, fists and blows. His statement is recorded on 22nd June 2021. I have perused it with assistance of both sides.

4. The first informant was told about this incident through video sent on its WhatsApp that's why he approached the Tuling police station and FIR is registered under sections 307, 367, 141, 143, 144, 148, 149, 427 of IPC along with sections 37(1) and 135 of Maharashtra Police Act. The police have arrested accused-Javed Ansari and few of them and the charge-sheet is filed against them whereas present applicant are shown as arrested accused persons.

5. After hearing both of them, I am inclined to confirm interim protection. It is for two reasons. One is even though present Applicants are named by injured Ajay Mishra, there is no specific allegations against them. There is specific allegation against arrested accused-Javed Ansari. Whereas there are general allegations against the Applicants. Secondly, the Court of Additional Sessions Judge has granted anticipatory bail to co-accused Amir Shaikh, Adil Shaikh, Parshant Pandey, Sachin Mourya and Sanjay Lavkush Singh. The respective orders are tendered. They are taken on record. Whereas

the Anticipatory Bail Applications of Applicant No.1 and Applicant No.2 were rejected by the Court of Additional District Judge, Vasai both dated 17th October 2022. The orders which were passed in respect of other co-accused were not placed before the learned Judge. Furthermore, this Court in Bail Application No.5 of 2022, on 27th April 2022 was pleased to observe that injuries to Ajay Mishra are not on vital parts and there was no material to show that there was intention of causing death. In view of that the following order is passed :

ORDER

- (a) Interim protection granted on 23rd December 2022, to Applicant No.1-Abhishek Sunil Sharma and Applicant No.2-Arun Ramsevak Singh @ Talvar, is confirmed.
- (b) The Applicants to co-operate police as and when called.
- 6. Application is disposed of.
- 7. These are my prima facie observations and the trial Court may not be influenced by that.
- 8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]