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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3641 OF 2022

1. Ravindra B. Gawand
 2. Santosh B. Gawand ...Applicants
 V/s.
 State of Maharashtra ...Respondent.

Mr. Kuldeep Patil i/b Ms Saili N. Dhuru for the Applicants.
 Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 09.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.313 of 2022 registered at Uran Police Station, Navi Mumbai for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 326 and 504 of the Indian Penal Code.
3. According to the prosecution, on the date of incident, which took place on 4 November 2022, on account of some trivial issue the present applicant and other co-accused assaulted the complainant and his family members by iron rod and sticks.
4. I have heard the learned counsel appearing for the applicants and the learned APP for the respondent / State.

5. The learned counsel for the applicants submits that the applicants have not assaulted the complainant and his family members and on the contrary they came to the shop of co-accused Vasudev and assaulted the applicant No.1 and his family members. It is submitted that there is a cross FIR in relation to the alleged incident in which the complainant and his family members are accused. It is submitted that considering the overall facts and circumstances, the applicants be granted anticipatory bail.

6. On the other hand, the learned APP for the respondent/ State submits that the applicants assaulted the complainant and his father by iron rod and sticks. It is submitted that considering the nature of offence, the applicants may not be released on anticipatory bail.

7. I have perused the Injury Certificate of Jagannath Gawand, the father of the complainant. He appears to have sustained the following injuries:

1. *CLW Scalp - 6 cm x 1/3 cm x skin deep.*
2. *Deformity - left wrist cut fractured (#) both bone lowered radius + Ulna*

8. The above said injuries are attributed to the applicant No.1. It appears that the applicant No.1 assaulted the father of the complainant by iron rod. Considering these facts, I am not inclined to release the applicant No.1 on anticipatory bail.

9. As regards the applicant No.2, no specific *overt-act* is attributed to him. Considering this fact and as there are no other criminal antecedents, I am therefore, inclined to release the applicant No.2 on anticipatory bail. In the result the following order is passed.

ORDER

A) The Anticipatory Bail Application is partly allowed.

B) The anticipatory bail application *qua* applicant No.1 is rejected.

B) In the event of arrest of applicant No.2 - Santosh B. Gawand in C.R. No. 313 of 2022 registered at Uran Police Station, Navi Mumbai for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 326 and 504 of the Indian Penal Code, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]