

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

ANTICIPATORY BAIL APPLICATION NO. 1104 OF 2024

1. Nilesh Sanjay Gore,
2. Balaji Dashrath Gore
Versus
The State of Maharashtra

..Applicants
..Respondent

Mr. Ritesh Thobde a/w. Zubi Ansari, Changdev Shingade and
Ankita Rai for Applicants.
Mr. Nitin B. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24 APRIL 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.108 of 2024 registered at Kurduwadi Police Station, Solapur, on 12.03.2024, under sections 324, 323, 504 and 506 r/w. 34 of the Indian Penal Code and under section 92 of the Rights of Persons with Disabilities Act, 2016.
2. Heard Mr. Ritesh Thobde, learned counsel for the applicants and Mr. Nitin Patil, learned APP for the State.
3. The F.I.R. is lodged by the victim himself. He was 37

years of age and he was a person with disabilities. The incident occurred on 12.03.2024. The applicant Nilesh and the accused Sagar were watering the construction. At that time, some water fell on the informant. He told them to be careful. The applicants and the accused Sagar got angry and they pulled him from his special vehicle. Accused Sagar gave a blow with a brick, which was lying there, on the informant's back. The applicants assaulted him with kicks and fist blows. On these allegations the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that, there was no intention to humiliate the victim with reference to his disability. Therefore, Section 92 of the said Act is not applicable. The injuries are simple. The weapons were not carried. The allegations are that, Sagar picked up a brick. The offence is not serious. Therefore, applicants' custodial interrogation is not necessary.

5. Learned APP opposed these submissions. According to him, the parties are neighbours and, therefore, they were aware of

the informant's disability. Therefore, they should not have assaulted him or pulled him from his special vehicle.

6. I have considered these submissions. The applicants are already facing this investigation and there is a possible prosecution against them. Today, I am only considering the question whether anticipatory bail should be granted to the applicants or not. In that context, I have perused the injury certificate produced before the Court. The informant had suffered one contusion of 1cm x 1cm on his neck and other was a blunt trauma on the upper back. Both the injuries are described as simple injuries. The incident had taken place on the spur of the moment. None of the applicants were carrying any weapon. The accused Sagar picked up a brick lying at the spot and gave a blow with that brick. No serious injury was caused. The applicants had beaten the informant only with hands. In this view of the matter, custodial interrogation of the applicants is not necessary. They can be protected U/s.438 of the Cr.p.c. It is made clear that, all these observations are made only for deciding this anticipatory bail application.

7. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.108 of 2024 registered at Kurduwadi Police Station, Solapur, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)