

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

ANTICIPATORY BAIL APPLICATION NO.7 OF 2024

Bhavesh Sunil Bhoir

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. S. A. Shaikh i/b. Shafi Shaikh and Afsar Ansari, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.543/2023, dated 12/11/2023, registered with Shivaji Nagar Police Station, Thane City, under sections 323, 387, 397, 504, 506(2) of the Indian Penal Code and u/s 37(1) and 135 of Maharashtra Police Act.

2. Heard Mr. S. A. Shaikh, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Viren Vadhvani. He has stated that he is in the business of construction. He was constructing a building on a plot at Ambernath. The informant and his father used to regularly visit the site to supervise the construction work. On 11/11/2023 at about 04.30 p.m. the informant and his friend Sohan Talreja had gone to the site. When they were returning back towards his vehicle, the main accused Tejas Kale abused him and held him by the scruff of his neck. Sohan started shooting the incident on his mobile phone. One of them tried to remove that mobile phone. There were other unknown persons, who started assaulting Sohan. In the scuffle the informant's T shirt was torn. His gold chain fell down. Somebody picked up the chain forcibly. It was worth Rs.2,75,000/-. Tejas gave a blow on the elbow of the informant. He gave threats to the informant and demanded Rs.5 lakhs. After this, the informant started to go towards his vehicle. At that point, the Applicant allegedly gave a blow of bamboo on the backside of his head. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that a very minor role is attributed to the present Applicant. The Applicant has a property adjacent to that of the first informant and therefore out of the business rivalry, the informant has named the Applicant. He submitted that no allegations of extortion or any other offences are made out against the present Applicant.
5. Learned APP opposed these submissions and produced investigation papers before the Court.
6. I have considered these submissions. I have perused the investigation papers and in particular the injury certificate. The informant had suffered four injuries. Three were in the nature of abrasion and one was swelling. All the injuries were described as simple injuries. There was abrasion on the neck and defused swelling on left side of scalp. These injuries were described as simple injuries. The only role attributed to the Applicant was that he gave a blow of bamboo on the Applicant.

But it has not caused any serious injury. The informant has named him. He was not knowing any other assailants. Only the main accused Tejas, amongst the other assailants is named in the F.I.R.

7. The role of the Applicant is described at the very end when everything was over. There is nothing to show that the Applicant had shared any common intention with the main accused Tejas. In this view of the matter, in particular, looking at the simple nature of injuries, the Applicant can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.543/2023, dated 12/11/2023, registered with Shivaji Nagar Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/-

(Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)