

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

ANTICIPATORY BAIL APPLICATION NO.32 OF 2024

Tushar Dilip Kasbe
versus
State of Maharashtra

.... Applicant
.... Respondent

.....

- Mr. Charan Penthalia a/w Amandeep Singh Bolle, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th 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. Charan Penthalia, 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 was in the business of construction. On 11/11/2023 at 04.30 p.m. he along with his friend Sohan Talreja had gone to a site at Ambernath, where he was constructing a building. After inspection of the construction, he was returning towards his car. At that time, the main accused Tejas Kale stopped him. He threatened and abused him. The informant's friend Sohan started recording the incident on his mobile phone. One of the associates of Tejas tried to snatch that mobile phone. Another associate slapped Sohan and third one assaulted Sohan with bamboo. In the meantime Tejas scuffled with the informant. In the incident, the informant's gold chain broke and fell down. One of Tejas's associates picked it up. Another associate gave blow with cement block on the informant. While the informant was rushing back to his car, another accused Bhavesh Bhoir gave blow with bamboo on backside of his head. On this basis, the FIR is lodged.
4. Learned counsel for the Applicant submitted that there is no specific role attributed to the present Applicant. The

informant has not suffered any serious injuries. The allegations are mainly against Tejas Kale. The incident was not a result of any premeditation.

5. Learned APP on instructions submitted that the informant has not suffered major injuries. The injuries were simple. At this stage, the investigating agency does not have any specific material against the Applicant regarding the actual assault. It is not their case at this stage that the Applicant had picked up the gold chain. The allegations against the Applicant are that he had come to the spot on his motorcycle and the accused went away on his motorcycle.

6. I have considered these submissions. In the entire incident the narration is directed towards Tejas Kale. There are no allegations specifically against the Applicant regarding the assault. In any case, the injuries suffered by the informant are simple in nature.

7. Considering the lesser role attributed to the associate of Tejas Kale, and since the Applicant is not ascribed any particular role, he can be protected by an order of anticipatory bail. He will have to co-operate with the investigation.

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 Applicant shall attend the concerned Police Station on 22/01/2024 and 23/01/2024 between 01.00 to 04.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)