

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

ANTICIPATORY BAIL APPLICATION NO.112 OF 2024

Prathamesh Uday Mahimkar

...Applicant

versus

The State of Maharashtra

... Respondent

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KAILAS
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Mr. Shrikant S. Shirsath a/w Ravindra S. Lihinar a/w Badrinath
Kate a/w Ragini D. Lagad a/w Adesh Watane for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
Mr. Chandan Singh for the Intervener.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with
C.R. No.610 of 2023, registered with Mahim Police Station,
Mumbai under Sections 326, 506(II), 504, of IPC.
2. Heard Mr. Shrikant Shirsath learned counsel for the
Applicant, Ms. Pallavi Dabholkar, learned APP for the State, and
Mr. Chandan Singh for the Intervener.
3. The FIR was lodged by one Vishal Gaikwad. The incident

occurred at about 3.30 A.M. on 28th December 2023. At that time, the informant came out of his house to find a food stall as he was hungry. On the way, the Applicant called him, he tried to have a conversation with the informant but the Applicant was under influence of liquor. The informant advised him to stop his addiction and change his behavior. The Applicant got angry and tried to give a blow on the informant's face but the informant managed to evade that. However, he suffered one injury behind his ear. Then the Applicant tried to give another blow on his chest. The informant suffered injury on the chest and palm. The Applicant's knife fell down. The informant again tried to go near the Applicant to pacify him but the Applicant took a glass bottle lying on the road, he broke it and tried to assault on the informant's stomach. Others gathered at the spot of incident and stopped the fight. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that the incident is petty. There was fight between the two. The Applicant himself has suffered injuries. He relied on the medical certificate and the photographs annexed to this application. He,

therefore, submitted that the Applicant's custodial interrogation is not necessary.

5. Learned APP produced the medical certificate of the informant before the Court.
6. Learned counsel for the intervener submitted that the Applicant had used a knife and a broken glass bottle by which he caused grievous hurt. His intention was clear.
7. I have considered these submissions. The informant's medical certificate shows that he had one abrasion of the size 1.5X2cm and 1 CLW of the size 3X5X2 cm. The first injury was behind the left ear and it was in the nature of abrasion. Both these injuries were described as simple injuries. The Applicant's medical certificate shows that he had also suffered injuries. Thus the FIR does not describe the incident truthfully. The informant has not made any reference to the injuries suffered by the Applicant.
8. In this view of the matter, and in particular taking into account the fact that the informant has suffered two minor injuries, protection can be granted to the Applicant.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.610 of 2023, registered at Mahim Police Station, Mumbai the Applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station once a week till the charge-sheet is filed.
- (iii) The Applicant shall co-operate with the investigation.
- (iv) The Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)