

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

ANTICIPATORY BAIL APPLICATION NO. 343 OF 2024

1. Pawankumar Nandkishor Singh	
2. Madhukar Gulab Pawar	
3. Satyapal Nandkishor Singh	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Ashok M. Saraogi for Applicants.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 6 FEBRUARY 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.935 of 2023 registered at Kandivali (West) Police Station, Mumbai, on 24.12.2023, under sections 323, 324 and 504 of the Indian Penal Code. Subsequently, Section 326 of the I.P.C. is also added.

2. Heard Mr. Ashok Saraogi, learned counsel for the applicants and Smt. Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one Dayashankar Singh. He has

VINOD
BHASKAR
GOKHALE

Digitally signed by
VINOD BHASKAR
GOKHALE
Date: 2024.02.07
11:21:39 +0530

stated that, he was working as Assistant Project Manager with M/s. Ravi Group who was having a construction site at Ekta Nagar, Kandivali. The incident occurred on 23.12.2023 at about 12.15p.m. The informant was unloading some tins and pipes. At that time, the applicant No.1 Pawan Singh and the applicant No.2 Madhukar Pawar questioned him. They abused him and started beating him with the hands. The Applicant No.3 picked up a wooden stick and gave blows with it on the informant's left shoulder. While the informant was trying to evade the blows, he suffered injuries on his left hand's little finger. Thereafter, he went to the police station and lodged this F.I.R.

4. Learned counsel for the applicant, at the outset, submitted that, he is not pressing this application for the applicant No.3 Satyapal Singh. He is only pressing this application for the Applicant Nos.1 and 2. He submitted that the F.I.R. is a result of the dispute between the builder and the society members. The F.I.R. is lodged at the behest of the builder to pressurize the society members. He submitted that the Applicant Nos.1 and 2's role is quite minor. Their custodial interrogation is not necessary.

5. Learned APP produced the investigation papers before me. It includes the medical certificate of the informant.

6. The informant had suffered fracture of his left hand's little finger. Hardly any other injuries are caused to him. The medical certificate mentions that there are assaults by bamboo stick, fist and steel rod by 10 people. Thus, it appears that the description in the medical certificate regarding the incident could be exaggerated. However, going by the narration in the F.I.R. itself it is quite clear that the Applicant Nos.1 and 2 have not played any major role. They have not used any weapon. There does not appear to be any premeditation or common intention with the applicant No.3. The incident occurred on the spur of the moment and the applicant No.3 picked up a bamboo which was lying at the spot itself. In this view of the matter, it cannot be said that, there was premeditation before the incident. Considering the minor role of the Applicant Nos.1 and 2, they can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) The Application on behalf of the Applicant No.3 Satyapal Nandkishor Singh is dismissed as not pressed.
- ii) In the event of arrest of the Applicant No.1 Pawankumar Nandkishor Singh and the Applicant No.2 Madhukar Gulab Pawar, in connection with C.R.No.935 of 2023 registered at Kandivali (West) Police Station, Mumbai, both 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.
- iii) The Applicants shall co-operate with the investigation.
- iv) The Application is disposed of.

(SARANG V. KOTWAL, J.)