

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

ANTICIPATORY BAIL APPLICATION NO.721 OF 2024

Tukaram Namdeo Bhoir & Ors. Applicants

versus

The State of Maharashtra Respondent

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- Mr. Vijay Killedar, Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th MARCH, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.703/2023, dated 25/12/2023, registered with Panvel City Police Station, Navi Mumbai, under sections 326, 324, 341, 143, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code and under sections 37(1) r/w 135 of Maharashtra Police Act.

2. Heard Mr. Vijay Killedar, learned counsel for the Applicant and Mr. C. D. Mali, learned APP for the State.

3. The FIR is lodged by one Yogesh Bade. He has described the incident which had taken place in different parts on 24/12/2023 in the evening. The alleged incidents are that the Applicants' group assaulted the informant, his uncles Ravindra and Deepak with sticks. Deepak and Ravindra were assaulted at two different spots by all the Applicants. The FIR does not mention the name of the Applicant No.4, but the statement of the eyewitnesses mention his name. Deepak had suffered fracture of his right hand in the incident. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that there is a counter FIR lodged at the same police station vide C.R.No.704/2023 by the Applicant No.3 Ashwin Bhoir u/s 326 and other sections of IPC. He has described the same incident in which the aforementioned Ravindra and Deepak had assaulted the Applicants. He therefore submitted that there is a FIR and the counter FIR. The Applicants have suffered injuries which are

quite serious and therefore the allegations in the FIR against the Applicants are not correct.

5. Learned APP produced the investigation papers before the Court including the statements of the eyewitnesses and the injury certificates.

6. I have considered these submissions and I have perused the statements of the witnesses. Statement of the injured witness Deepak is important because his hand was fractured. He has stated that all the Applicants had assaulted him and his brother Ravindra. Similar is the statement of the other injured witness Ravindra. The injury certificate shows that Balaram had suffered one simple CLW on the right frontal region. Deepak had suffered one abrasion, and he had suffered fracture of the right hand. It was a grievous injury. The other injured Ravindra had suffered one simple injury on the right parietal region and one abrasion on the left side parietal region. On the other hand, the Applicant Ashwin had suffered 7 injuries. Though they are described as simple injuries, the first injury was on left parietal region, which

was a CLW of the size 10 cm x 2 cm x 2 cm above his left ear. Considering the size of the injury on the head, it was a serious injury. He had suffered other injuries on the right elbow and left wrist, left forearm lateral back, upper back and left thigh. Most of the injuries were of the size 7 cm, 9 cm, 8 cm etc. This shows that Ashwin was severely beaten causing those injuries. Tukaram has suffered one simple abrasion on the head and had swelling over his neck of the size 7 cm x 6 cm x 3 cm. This injury is also not a minor injury. Thus, it is clear that there was a free fight between the two groups. The Applicant Ashwin and Tukaram had suffered injuries which were not minor in nature. On the other hand, there is no specific role attributed to any of the Applicants specifically by the injured Deepak and Ravindra.

7. Considering all these factors together, the Applicants' custodial interrogation is not necessary. They can be protected u/s 438 of Cr.P.C.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.703/2023, dated 25/12/2023, registered with Panvel City Police Station, Navi Mumbai, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)