

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 756 OF 2024

Avinash Subramaniam Naidu

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Hitesh Anil Phulwani a/w Amit Singh for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 19th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 343 of 2023 registered at Vithalwadi Police Station,Thane, on 04/12/2023 under sections 307, 323, 34, 341, 504, 506 of the Indian Penal Code.

2. Heard Mr. Phulwani, learned counsel for the applicant and Ms. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Noel D'Costa. He has stated

that on 03/12/2023 he was sitting with his friends. At that time, the Applicant came there in a rickshaw with his friends. He started threatening the informant and his friends. The informant tried to stop him. The Applicant got angry. He gave a blow with a knife on the informant's stomach. The Applicant took out a sword from his rickshaw and gave blows to the informant. He terrorised the people in the locality. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there was a counter FIR in which the informant's friend Vikas Kanse had assaulted Nagesh Baraskar who was the Applicant's friend. He submitted that Nagesh was admitted in the hospital.

5. Learned APP opposed these submissions and produced investigation papers before me. On instructions, she admitted that Nagesh Baraskar was admitted in the hospital.

6. I have considered these submissions and I have perused the investigation papers which include the injury certificate. The informant had suffered six injuries out of which

four were CLW's and two were abrasions. They were on arm, buttock, chest, epigastric region and legs. All these injuries were described as simple injuries. The injury on the stomach was 1 x 1 x 1 cm. It is also described as simple injury. Considering the nature of injuries, it is difficult to observe that Section 307 of the I.P.C. would be attracted. However, that would be the matter of trial. The Applicant has rightly submitted that his friend was also assaulted on the head and he was admitted in the hospital. Therefore, there is a possibility that there was a free fight between the two groups. In this view of the matter, custodial interrogation of the Applicant is not necessary. He can be protected under section 438 of Cr.P.C. However, to keep check on the activities of the Applicant, certain conditions need to be imposed. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R.No. 343 of 2023 registered at Vithalwadi Police Station, Thane, 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 report to the concerned Police Station once in a week for a period of six months from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)