

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

ANTICIPATORY BAIL APPLICATION NO. 769 OF 2024

Krishi Sahidul Khan

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Ashok Kumar Dubey a/w. Akash Sonawale and Pranjali Singh
i/b. SAVJ Law Solutions for Applicant.

Mr. Nitin B. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.156 of 2024, registered at Wakad Police Station, Pimpri-Chinchwad, on 13.02.2024, under sections 143, 147, 149, 326, 365, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Ashok Dubey, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State.

3. The F.I.R. is lodged by one Arpan Gaikwad. He has stated that, on 11.02.2024, he received a phone call from one Priyanshu. He told him that, about one year ago there was a

quarrel between the applicant and the informant and, therefore, they planned to beat him. Thereafter the applicant called him and told him to meet at one place. The applicant told him that he wanted to slap him and if he came there, there would not be any serious consequences. He also threatened him. Therefore, the informant decided to meet him out of fear. The applicant and one Harsh Kadam came to the informant's house. They took him near a garden. The applicant called his three friends. All of them started abusing and beating him with kicks and fist blows. It is alleged that, one Priyanshu went to the garden, brought a stick and gave it to Harsh; who gave blows with stick on the face of the informant. Thereafter all of them went away. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, though, the offences punishable under sections 326 and 365 of the I.P.C. are applied, their ingredients are not made out because the informant had not suffered any grievous hurt. Moreover, the narration in the F.I.R. shows that the informant himself had gone to meet the applicant and thereafter he was taken to a garden. The

informant did not raise any shouts or did not raise any objection. Therefore, it cannot be said that, he was abducted or confined.

5. Learned APP produced the investigation papers before me which contain medical certificate. The medical certificate shows that, there was one abrasion below the left eye, one blunt trauma to the face and blunt trauma to the back. There was bleeding from the nose, but it was described as the simple injury. In any case, the narration in the F.I.R. shows that the applicant and others had beaten the informant with kicks and fist blows. One Priyanshu had brought a stick from the garden and then Harsh had given that blow. The weapons were not carried by the applicant and his friends. The blow was given by Harsh on the spur of the moment. Therefore, at this stage, there is scope to believe that the applicant may not have shared common intention with Harsh. In any case, the injuries suffered by the informant are described as simple injuries. The applicant is 20 years boy. At this stage, his custodial interrogation is not necessary. He can be protected U/s.438 of the Cr.p.c.

6. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.156 of 2024, registered at Wakad Police Station, Pimpri-Chinchwad, the applicant is directed to be released on bail on his executing P. R. 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 cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)