

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

ANTICIPATORY BAIL APPLICATION NO. 872 OF 2024

(1) Prem Deepak Kukreja,	
(2) Pankaj Deepak Kukreja	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. R. D. Suryawanshi for Applicants.
Mr. Avinash A. Naik, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 2 APRIL 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.239 of 2024 registered at Hill Line Police Station, District Thane, on 08.03.2024, under sections 324, 323, 504, 427, 506(II), 143, 147, 148, 149 of the Indian Penal Code and U/s.37 and 135 of the Maharashtra Police Act.
2. Heard Mr. Suryawanshi, learned counsel for the applicants and Mr. Avinash Naik, learned APP for the State.
3. The F.I.R. is lodged by one Bharat Tanwani. He has stated that the incident had taken place after 3:30a.m. in the

night. In the first part of the incident, the applicant Prem intervened in some friendly matter between Vishal Kukreja and Harsh Rajani. There was some quarrel between the applicant Prem and the informant. At about 4:15a.m. the informant was standing in front of a mobile phone shop with his friends Vishal Kukreja, Vishal Chichera, Dipu Chichera and Rohit. At that time, the applicant Pankaj and his four friends came there. They started assaulting the informant with fist and kicks blows. One of the accused was wearing a mask. It is alleged that the applicant Pankaj sprayed chilly powder on the informant's face and tried to assault him with chopper. The informant suffered an injury on his head. One of the accused picked up a tile lying there and gave a blow on the informant's left shoulder. The applicant Prem assaulted the informant's brother with fist blows and tile block. The informant called the police telephonically. Thereafter the accused ran away. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the incident is captured in CCTV footage which was circulated by the informant himself. There are no choppers seen in the CCTV

footage. He submitted that, it is a petty incident and the informant has given a serious colour to that incident. He submitted that the informant or his companion had not suffered any serious injuries.

5. Learned APP opposed these submissions and produced the investigation papers before me.

6. I have considered these submissions. The CCTV footage is seized by the investigating agency. The incident is described in the panchanama dated 08.03.2024. It is described that the informant was beaten by hands and kicks blows. There are no weapons; either choppers or tile blocks mentioned in that panchanama. The statements of the eye witnesses Vishal Kukreja, Vishal Chirera, Rohit and Dipu are similar to the F.I.R. In this background, if the injury certificates are seen, they show that the informant Bharat had suffered four injuries as follows:

- i) CLW over left temporal region of size 2cm x .5cm x .5cm. It was a simple injury.
- ii) Contusion below left eye of size 3cm x 2cm. It was also simple injury.
- iii) Blunt trauma on the buttock and,

iv) superficial abrasion on the left shoulder.

All these injuries were described as simple injuries.

7. The informant's brother Jagdish suffered four simple injuries on his lower back, wrist and forearm. The weapon causing those injuries was mentioned as hard and blunt object. Thus, it is clear from the injury certificates that the injuries suffered by the informant and his brother were simple in nature. There is no reference to any sharp weapon. Considering all these factors, the applicants' custodial interrogation is not necessary. However, considering the fact that the incident had occurred in the late night and early hours of the morning and that the informant and his brother were actually beaten at that time, some conditions are required to be imposed on the applicants.

8. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.239 of 2024 registered at Hill Line Police Station, District Thane, 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.

- ii) The Applicants shall attend the concerned Police Station once in a fortnight for a period of six months from today and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)