

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

ANTICIPATORY BAIL APPLICATION NO. 883 OF 2024

Suryabhan Keshavlal Gupta

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Abhinav J. Dubey a/w. Swati Pandey a/w. Chetan Dhotre for
Applicant.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 3 APRIL 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.38 of 2024 registered at Rabale MIDC Police Station, Navi Mumbai, on 08.02.2024, under sections 141, 142, 143, 144, 326, 324, 323, 504, 506, 147 and 149 of the Indian Penal Code.

2. Heard Mr. Abhinav Dubey, learned counsel for the applicant and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Sunita Gupta. She has stated that, she was residing with her family. Her father-in-law's name was Basantlal. He had some dispute with his younger

brother Keshavlal. The present applicant was one of the sons of Keshavlal. In the past, the informant had lodged an F.I.R. at the same police station in the year 2015 against the applicant's parents.

4. On 03.02.2024, the informant's father-in-law was present in his shop. At that time, the applicant, his parents and three brothers came there. They started quarreling with Basantlal. The informant came there to help her father-in-law. The applicant's mother slapped her. It is alleged that the applicant gave a blow with bat on the informant's back. Basantlal tried to intervene. At that time, the applicant assaulted him with his bat. In the meantime, the applicant's brother Ashu went to his house. He brought an iron rod and gave a blow of iron rod on Basantlal's nose causing bleeding injury. In the meantime, the others intervened. The injured Basantlal was taken to a hospital at Kalwa and then to Sion Hospital. But he was admitted to Vedant Hospital at Thane. After that, the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the

incident had occurred on the spur of the moment. The quarrel escalated into a fight. The applicant's brother was having a bat, but he had not caused any grievous injury to anybody from the informant's side. That shows that he did not have any intention to cause any injury, much less, grievous injury. He submitted that, co-accused Ashu and Keshavlal were released on bail and the other accused are granted anticipatory bail.

6. Learned APP opposed these submissions. She produced the investigation papers before me which included the injury certificate and the statements of the eye witnesses.

7. I have perused those statements. The injury certificate mentions that the injured Basantlal had suffered blunt injury over nose, frontal head and on scapular region. There was maxilla fracture and frontal bone fracture. This particular injury is specifically attributed to the co-accused Ashu. The description in the F.I.R. shows that, while the incident was going on, Ashu had gone to his house, brought an iron rod and had caused that particular injury. Therefore, at this stage, there is sufficient force in

the submissions of the learned counsel for the applicant that the applicant did not have any common intention with Ashu. The statements of Poonam Gaikwad and Sangita Akhade show that, they are the eye witnesses. They have narrated the incident in the same manner as is described in the F.I.R. Basantlal's statement is important because he is the injured. He has stated that the applicant had assaulted him on his hands and legs with bat. He has specifically attributed the injury on the face to the other accused Ashu. Therefore, as discussed earlier, Ashu's role can be separated from that of the applicant. The applicant had not caused any grievous injury and there are no injuries on the leg attributable to the assault with bat. Thus, there is force in the submission that the applicant has not committed any offence U/s.326 of the I.P.C. or U/s.326 r/w. 149 of the I.P.C. In this view of the matter, the applicant can be protected U/s.438 of the Cr.p.c. It is made clear that, all these observations are made only for the purpose of deciding this anticipatory bail application.

8. Hence, the following order:

ORDER

- i) In the event of his arrest in connection with C.R.No.38 of 2024 registered at Rabale MIDC Police Station, Navi Mumbai, 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 attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)