

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

ANTICIPATORY BAIL APPLICATION NO.980 OF 2024

Ganesh Manga Singh Applicant

versus

State of Maharashtra Respondent

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- Mr. Sujit B. Shelar a/w Shubham S. Shingade a/w Pranav P. More, Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.109/2024, dated 04/03/2024, registered with Bhoiwada Police Station, Mumbai, under sections 323, 324, 326, 143, 148, 149, 504 of the Indian Penal Code.
2. Heard Mr. Sujit B. Shelar, learned counsel for the Applicant and Mr. C. D. Mali, learned APP for the State.
3. The FIR is lodged by one Manish Waghela. He has stated that in the past, in October 2023, there was an incident

where the Applicant had assaulted the informant and his father for which a separate C.R.No.382/2023 u/s 323, 325, 504 r/w 34 of the IPC was registered at Bhoiwada police station, which was still pending. The Applicant wanted the informant to withdraw that case. The present incident is in respect of the harassment. On 03/03/2024, at about 10.20 p.m. to 10.30 p.m. the Applicant's sister and her husband Ramesh Solanki came there. The Applicant also came on his two wheeler. He drove his vehicle towards the informant's father. The Applicant allegedly removed an iron rod and started beating the informant's father. The Applicant's sister and her husband also started beating the informant's father. It is alleged that when the Applicant was beating him with the iron rod, the informant's father tried to protect himself. At that time, he suffered the injury on the forefinger of his right hand. It is alleged that the Applicant assaulted the informant with his Helmet. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant himself was assaulted with sharp weapons for which

the Applicant's sister Sunita had lodged her own FIR at C.R. No.110/2024 at the same Bhoiwada police station on 05/03/2024 at 10.40 p.m. u/s 324, 354, 509, 504, 506 r/w 34 of IPC. Learned counsel for the Applicant relied on the photographs of the Applicant's injury which are annexed at page No.42 onwards. He submitted that those were incised wounds requiring stitches. He therefore submitted that the allegations in the FIR against the Applicant are not correct and the FIR is lodged by the informant to save himself and his family.

5. Learned APP produced the investigation papers before me. To oppose this application, learned APP added that the Applicant had executed bond u/s 107 of Cr.PC. He had committed the present offence during existence of that bond. That bond was still operational.

6. I have considered these submissions. The investigation papers show the statements of the informant's sister Kavita and another witness Anisha. They had supported the investigation case. The medical certificate shows that there was fracture to the informant's father's right hand forefinger. However, the FIR does

not explain or mention injuries suffered by the Applicant himself. As submitted by learned counsel for the Applicant, the Applicant had suffered injuries because of sharp weapons which required suturing. The medical certificate of the present Applicant produced by the learned APP shows that he has suffered multiple CLWs on his both forearms with sharp weapons. Though, these injuries are described as simple injuries; the size of the injuries was quite big. Their size was 10 cm x 1 cm, 5 cm x 1 cm, 10 cm x 1 cm, 1 cm x 7 cm and 1 x 5 cm. This Applicant was assaulted with sharp weapon causing these injuries. They were not minor injuries. This particular aspect is not described or referred to in the FIR lodged by the present Applicant. There appears to be exaggeration in the FIR. Some crucial facts are concealed in the FIR lodged against the present Applicant.

7. Considering all these aspects, the Applicant can be protected u/s 438 of Cr.P.C. His custodial interrogation is not necessary. However, it is made clear that his release on anticipatory bail would not come in the way of the investigating

agency to take appropriate steps in accordance with law, as far as the bond which is executed by the Applicant u/s 107 of the Cr.P.C. is concerned.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.109/2024, dated 04/03/2024, registered with Bhoiwada Police Station, Mumbai, 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 cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)