

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

ANTICIPATORY BAIL APPLICATION NO.1000 OF 2024

1. Rupesh Rajendra Agarwal, &	
2. Rajendra Deepchand Agarwal	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Niranjan Mundargi, Advocate a/w. Keral Mehta & Sushil Upadhyay i/b. Ashok Saraogi for the Applicants.
Mr. Nitin B.Patil, APP for the Respondent-State.
Mr. Zaid Anwar Qureshi, Advocate for the informant.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.277/2024 registered at Kondhwa Police Station, Pune City on 15.3.2024 under sections 326, 504 read with 34 of IPC.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicants, Mr. Nitin Patil, learned APP for the

Respondent-State and Mr. Zaid Anwar Qureshi, learned counsel for the informant.

3. At the outset, learned counsel for the Applicants submits that he is not pressing this Application for the Applicant No.1. He submitted that this Application be restricted for consideration of relief only in respect of the Applicant No.2. Considering these submissions, the Application on behalf of the Applicant No.1 is dismissed as not pressed.

4. The FIR is lodged by Rajkumar Joshi on 14.3.2024. The incident had occurred at about 8.30 a.m. in the morning. The incident started with some petty quarrel. It is alleged that both the Applicants started abusing the watchman. The informant and his son came down near the Applicants. It is alleged that the Applicant No.1 assaulted the informant with some iron weapon causing serious injuries. On this basis, the FIR is lodged.

5. Learned counsel for the Applicants submitted that the Applicant No.2 had not caused that injury. The incident had occurred on the spur of the moment. The Applicant No.2 was not carrying any weapon.

6. Learned APP produced the investigation papers before me. There are statements of eye witnesses Gautam Mali, Manoj Bilai, Pushpa Shendge, Nayan Mali etc. Their statements are consistent. None of these witnesses has attributed the injury caused to the informant to the Applicant No.2. The medical certificate shows that the informant had suffered contused lacerated wound on the occipital region of the size 4 x 5 x 2 cms and it was described as a grievous injury. However, it appears that the incident had occurred on the spur of moment and the quarrel escalated into this incident.

7. In this view of the matter, the Applicant No.2's role can be separated and he can be protected under Section 438 of Cr.P.C.

8. Hence, the following order :

ORDER

- (i) The Application on behalf of the Applicant No.1 Rupesh Rajendra Agarwal is dismissed as not pressed.
- (ii) In the event of his arrest in connection with C.R.No.277/2024 registered at Kondhwa Police Station, Pune City, the Applicant No.2 Rajendra Deepchand Agarwal 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.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

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by
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(SARANG V. KOTWAL, J.)

Deshmane (PS)