

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

ANTICIPATORY BAIL APPLICATION NO.1255 OF 2024

Chiddi Rama Baid	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Vikas Kudiya, Advocate for the Applicant.
Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.502/2024 registered at Ulhasnagar Police Station, District-Thane on 1.4.2024 under sections 326, 323, 336, 143, 144, 147, 148, 149 of IPC, under Sections 4 & 25 of the Arms Act and under Sections 37 and 135 of the Maharashtra Police Act.

2. Heard Mr. Vikas Kudiya, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Vishal Teji. He has described the incident dated 31.3.2024. It is alleged that at around 10.30 p.m. the Applicant and his group assaulted the informant's group with the weapons like iron rod, sattur, Chopper etc. The allegations against the Applicant are that he had pelted stone. His son Sahil assaulted the informant Vishal and his brother with a sword. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the description in the FIR lodged against the Applicant is not correct. In fact the Applicant's son Sahil had lodged his own FIR vide C.R. No.501/2024 at the same police station on 1.4.2024 under Section 307 and other sections of IPC. He submitted that in that incident the Applicant and his son Sahil who had lodged the FIR had suffered grievous injuries and both of them were hospitalized for about 15 days for their

injuries. He submitted that therefore based on the false allegations made in the FIR against the Applicant, his custodial interrogation is not justified.

5. Learned APP produced the investigation papers before me and she produced the medical certificates in both these offences.

6. I have considered these submissions. The statements of the eye witnesses in the case against the present Applicant support the statement in the FIR. Those eye witnesses are Rajesh Khairaliya, Vicky Ujjainwala and Maya Teji. It is alleged that the Applicant had instigated his son Sahil to finish the other side. However, the medical certificate shows that Aman Teji had suffered two blunt traumas and one CLW. Akshay has suffered one small CLW on the left index finger. Vishal has suffered one CLW on right palm. Vishal's injury is described as simple injury. No definite opinion is given about the injuries suffered by Aman and Akshay, but they were not on the vital parts. As against that, the injury certificates of the Applicant and his son show that the

Applicant had suffered CLW on his left temporal region of the size 5 x 2 x 2 cm. It is described as grievous injury. The Applicant's son Sahil had suffered one CLW of the size 5 x 1 x 1 cm from temporal region to the left parietal region. It was described as the grievous injury. Vinod has suffered simple CLW. Thus, it can be seen that the Applicant and his son have suffered serious and grievous injuries on their head. These facts are suppressed from the FIR lodged against the Applicant. The Applicant and his son have suffered injuries on the vital part as against the injuries suffered by the informant's group in this case on the non-vital parts. In this view of the matter, there is clear exaggeration and wrong statements in the FIR lodged against the present Applicant. He, therefore, deserves protection under Section 438 of Cr.P.C. However, considering the enmity between the parties, some conditions can be imposed on him.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.502/2024 registered at Ulhasnagar Police Station, District-Thane, 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 attend the concerned police station once a week for a period of four months.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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PRAKASHRAO
DESHMANE

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by
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