

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

ANTICIPATORY BAIL APPLICATION NO.2266 OF 2021

Sanjay Marjad Yadav	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Kanhaiya S. Yadav i/by Sandeep Dubey, for the Applicant.
Mr. B. V. Holambe Patil, APP for the Respondent/State.
Mr. Mahesh Sawant, PSI, Goregaon Police Station, Mumbai – present.

CORAM : KISHORE C. SANT, J.

DATE : 21st MARCH, 2024

PC.

1. This Application is moved seeking bail in the event of arrest in connection with FIR dated 1st December, 2018, registered with Goregaon Police Station for the offence punishable under Section 326, 324, 504, 506 r/w 34 of IPC lodged by one Arvindkumar Yadav. The FIR was lodged on 1st December, 2023 at 07:00 a.m. in the morning. There was quarrel on account of parking of motorcycle where the brother of the Applicant, namely Raju Yadav came and started abusing the informant, as the informant was removing motorcycle of Raju so as to take motorcycle of the informant. On that there was quarrel. It is further alleged that in the said quarrel, Applicant assaulted the informant by bamboo. Informant received fracture injury to his wrist of left hand. On that complaint was lodged.

2. It is the case of the Applicant that in fact there was fight between both the persons in which in fact Raju Yadav received injuries. He was required to be admitted on 1st December, 2018 and he was discharged on 11th December, 2018. Raju Yadav has also lodged First Information Report with the Police about the said incident after he was discharged from the hospital. It is further submitted that at the most, it is the case of fight between two groups. The incident is of 2018. There is interim relief granted by this Court by order dated 21st September, 2021. There is no complaint of misuse of the liberty. He thus prayed for interim relief be made absolute.

3. Learned APP submits that incident is serious one. The investigation is still not complete. The Applicant is not co-operating with the Police. He thus prays for rejection of the Application.

4. This Court has specifically asked learned APP to take instructions from the officer who is present in the Court as to whether the Applicant was any time called by Police for interrogation. He submits that Applicant was not called for interrogation after the interim order was passed. There is also no complaint against the Applicant thereafter. This Court finds that the offence is of 2018 i.e. more than five years back. Now no purpose will be served by taking the Applicant in custody. It would be open for the Police to call the Applicant for interrogation as and when required. Hence, the following order :-

- i) The Application is allowed.
 - ii) In the event of arrest of Applicant in connection with FIR No.702 of 2018 registered with Goregaon Police Station for the offence punishable under Section 326, 324, 504, 506 r/w 34 of IPC, he shall be released on bail on executing PR bond and solvent surety in the sum of Rs.15,000/-
 - iii) Applicant shall attend concerned Police Station as and when required for the purpose of interrogation.
 - iv) Applicant shall furnish his contact details including mobile number to the concerned Police Station. If there is any change in the contact details, Applicant shall immediately inform the same to the concerned Police Station.
5. With this, the Application stands disposed of.

[KISHORE C. SANT, J.]