

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

Anticipatory Bail Application No. 1426 of 2024

Sachin Jawaharlal Gupta

Age 32 years, an adult Indian Inhabitant,

R/at. Shri Ram Samarth Society,

Teen Dogri, Opp. Fish Market,

Goregaon (W), Mumbai – 400 104.

...Applicant

Vs.

State of Maharashtra

(Through the Senior Inspector of

Police, Goregaon Police Station)

...Respondent

Mr Prasant Pandey a/w. Dinesh Jadhvani and Irfan Unawala i/b.
W3Legal LLP, for the applicant.

Mr Yogesh Dabake, APP, for the respondent/ State.

WPSI Rajshri Sonawane, Goregaon Police Station, Mumbai, is
present.

Coram: R. N. Laddha, J.

Date: 15 July 2024

P.C.:

By the present application, the applicant seeks pre-arrest
bail in connection with CR No.342 of 2024, registered at
Goregaon Police Station, Mumbai, for offences punishable under
Sections 326, 324, 323, 504, 506 read with 34 of the Indian
Penal Code (IPC).

2. The prosecution alleges that on 30 April 2024, the applicant, along with others, assaulted the informant with kicks, punches and a bamboo stick.

3. Mr Prashant Pandey, the learned Counsel for the applicant, contends that disputes existed between the informant's father and the applicant and co-accused *qua* the redevelopment of the slum scheme. On the day of the incident, there was an altercation between the parties, and the informant attacked the applicant and co-accused. As a result, co-accused Sachin Bhandari filed CR No.341 of 2024 against the informant, alleging offences punishable under Sections 326, 323, 504, and 506, read with 34 of the IPC. This FIR is lodged before the informant's complaint. The learned Counsel asserts the applicant's innocence and contends that he has been falsely implicated in the present crime. The applicant has no criminal antecedents. The co-accused have been released on bail. The alleged weapon has been recovered from the spot, and nothing remains to be recovered from the applicant. The applicant is ready and willing to abide by the conditions set by this Court.

4. Mr Yogesh Dabake, the learned Additional Public Prosecutor for the respondent/ State, submits that the offence is serious. However, the learned APP fairly concedes that the weapon has been recovered from the spot, and the investigation is almost

complete.

5. Upon perusing the records, it appears that a dispute existed between the parties for the redevelopment of the slum. The applicant is accused of assaulting the informant with a bamboo stick. The co-accused, Sachin Bhandari, has also filed an FIR against the informant for the same incident, wherein the informant and his father are accused of assaulting the applicant and co-accused with a bamboo stick. Admittedly, the weapon has been recovered from the spot. Nothing remains to be recovered from the applicant. Moreover, the investigation is on the verge of completion. Appropriate conditions can be imposed to address the prosecution's concerns about evidence tampering or witness interference. Given the above, this Court is inclined to allow the present application. Hence, the following order:

ORDER

(i) In the event of arrest, the applicant shall be released on bail in CR No.342 of 2024, registered at Goregaon Police Station, Mumbai, on executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and report to the concerned Police

Station as and when directed.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence any witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)