

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

Anticipatory Bail Application No. 1957 of 2024

Bhaskar Padmakar Mishra

Age 25 years, Adult, Indian Inhabitant,

Residing at A-7, Sagar Chawl, Singh

Estate, Road No.3, Near Thakur

College, Samta Nagar, Kandivali (East),

Mumbai – 400 101.

...Applicant

Vs.

The State of Maharashtra

Through Samta Nagar Police Station,

to be served through Public Prosecutor

High Court, Bombay.

...Respondent

Ms Sneha Singh i/b. Abhishek Gupta, for the Applicant.

Mr MG Patil, APP for the Respondent – State.

PSI Manik Mohite, Samta Nagar Police Station, is present.

Coram: R. N. Laddha, J.

Date: 31 July 2024

P.C.:

Heard Ms Sneha Singh, the learned counsel for the applicant and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State.

2. This application has been filed by the applicant seeking anticipatory bail in connection with CR No.389 of 2023, registered at Samta Nagar Police Station, Mumbai, for the offences punishable under Sections 323, 324, and 504 of the Indian Penal Code and Sections 75 and 76 of the Juvenile Justice (Care and Protection of

Children) Act, 2015.

3. The prosecution alleges that on 07.06.2023, around 9:00 p.m., the applicant along with co-accused, in furtherance of their common intention, assaulted the first informant using fist, kicks and a helmet.

4. The learned Counsel for the applicant submits that there is no evidence against the applicant. The injury certificate shows that the applicant sustained minor injury. The investigation is almost complete and nothing is to be recovered or discovered at the instance of the applicant.

5. The learned APP, on instructions, fairly concedes that Section 75 and 76 of the of the Juvenile Justice (Care and Protection of Children) Act, 2015 do not apply to the present case and have been excluded. Furthermore, the learned APP acknowledges that the investigation is almost complete and nothing is to be recovered from the applicant. The learned APP, on instructions, has extended his consent for grant of pre-arrest bail.

6. Upon perusing the material available on record, it appears that the investigation is on the verge of completion, and nothing remains to be recovered from the applicant. The injury sustained by the informant is simple. Given the above, this Court is inclined to allow the present application. Accordingly, the application is allowed in the following terms.

Order

(i) In the event of the applicant's arrest in CR No.389 of 2023, registered at Samta Nagar Police Station, Mumbai, he shall be released on bail upon 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.

7. The application stands disposed of.

(R. N. Laddha, J.)