

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2558 OF 2024

Shantanu Narendra Shinde ... Applicant

Vs.

State of Maharashtra ... Respondent

Mr. Satyavrat Joshi a/w. Ms. Reena Prajapati for Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.

DATE : SEPTEMBER 23, 2024

P.C. :

. Heard Mr. Joshi, learned counsel for the applicant and Ms.Ambekar, learned APP for the respondent-State.

2. The applicant has approached this Court as he apprehends arrest in connection with FIR No.0856 of 2024 dated 05.08.2024 registered with Wakad Police Station, District - Pimpri Chinchwad, for offences under Sections 3(5), 115(2), 118(2) and 352 of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. In this case, offence under Section 118(2) is non-bailable and it pertains to voluntarily causing grievous hurt to the victim.

4. As per the informant, the applicant assaulted him by means of a wooden stick when a tempo carrying vinyl roll for the business of the informant reversed into a tree located at the doorstep of the house of the applicant. It is alleged that the co-accused person held the informant while the applicant assaulted him by means of the wooden stick, leading to fractures on the forearm and fingers.

5. The learned counsel for the applicant submits that the incident has

its genesis in the quarrel that took place due to the manner in which the tempo reversed into the tree. It is sought to be indicated that such incidents had been occurring frequently and it cannot be said that the accused persons, in a pre-planned manner, assaulted the victim. It is further submitted that the wooden stick was recovered from the spot of the incident and as the applicant undertakes to co-operate with the investigation, this Court may consider granting relief.

6. On the other hand, the learned APP has opposed the present application. Reliance is placed on injury certificate, which indeed shows the two grievous injuries suffered by the victim. It is further submitted that the eyewitnesses to the incident i.e. the wife and daughters of the informant have corroborated the version of the informant / victim and therefore, a strong *prima facie* case is made out against the applicant.

7. A perusal of the statement, leading to registration of the FIR, shows that the genesis of the incident appears to be an objection raised by the applicant and co-accused person to the manner in which the aforesaid tempo was reversed into the tree at doorstep of the house of the applicant. As a reaction to the same, the applicant appears to have assaulted the informant. Considering the nature of injuries suffered by the informant, such reaction can be said to be disproportionate as is apparent from the documents on record. The injury certificate indeed shows two grievous injuries suffered by the informant. The statements of eye-witnesses indeed corroborate the version of the informant. But, the applicant does not have any criminal antecedents. The incident appears to have occurred in the backdrop of the quarrel, having its genesis as indicated hereinabove. The weapon of assault, allegedly used in the present case i.e. the wooden stick has been already recovered from the spot of the incident and hence, this Court is inclined to grant relief to the applicant by imposing appropriate conditions.

8. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0856 of 2024 dated 05.08.2024 registered with Wakad Police Station, District - Pimpri Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- with one or two sureties in the like amount;
- B. The applicant shall appear before the investigating officer on 26.09.2024 between 10:00 a.m. and 1:00 p.m. and thereafter, as and when required;
- C. The applicant shall co-operate with the investigating officer during the course of investigation;
- D. The applicant shall not enter jurisdiction of Wakad Police Station, except for appearing before the investigating officer, till filing of the charge-sheet;
- E. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)