

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

ANTICIPATORY BAIL APPLICATION NO.3014 OF 2024

1. Hemant Ramkaran Mhatre

2. Aparna Hemanat Mhatre

3. Ritesh Hemant Mhatre

4. Akshay Haresh Mhatre

.... Applicants

Vs.

State of Maharashtra

.... Respondent

Mr. Rajesh Khobragade a/w Mr. Rahul S. Yadav & Ms. Ayesha Qureshi
for the Applicants.

Mr. D. J. Haldankar, APP for the Respondent/State.

API. Pradip Navnath Aavhad, Kharghar Police Station, Navi Mumbai,
present.

CORAM : SHYAM C. CHANDAK, J.

**DATED : 8th NOVEMBER, 2024
(VACATION COURT)**

P.C. :-

. Learned APP submitted a report of the Investigating Officer
dated 07th November, 2024 it is taken on record.

2) The Applicants are apprehending their arrest in connection
with F.I.R. bearing C.R. No.325/2024 dated 11/10/2024, registered with
Kharghar Police Station, Navi Mumbai for offences punishable under
Sections 115(2), 117(2), 118(2), 189(1), 189(2), 190, 191(2) 191(3), 352 of
Bharatiya Nyaya Sanhita, 2023.

3) The offence is non-bailable. Therefore, the Applicants filed an
Anticipatory Bail Application in the Court of learned Additional Sessions

Judge, at Panvel-Raigad. The said Application, has been rejected by Order dated 24th October, 2024. Hence this Application.

4) The prosecution case is that, on 11th October, 2024, at about 11.00 a.m., at village Owe, Kharghar, Navi Mumbai, the Applicants along with their co-accused Haresh and a juvenile boy "A" formed an unlawful assembly with common object to assault the informant, his wife Pratiksha and their children. During actual assault, Accused No.5 Haresh assaulted Nitesh, over his head by means of a wooden rod. Said Nitesh is son of the informant. Due to said assault, Nitesh suffered bleeding injury to head i.e. CLW 10 cm x 3 cm x 2 cm. at left temporal region. The C.T. Scan revealed that, Nitesh had suffered Small Focal Linear Hyper Intensity in the left cerebellum due to said assault.

5) Learned Advocate for the Applicants submitted that, the Applicant Nos.1 to 3 have not played active role in causing hurt to Nitesh. Insofar as the injury suffered by Pratiksha Mhatre, wife of the informant is concerned, the X-ray revealed that she has suffered chip fracture of Middle Phalynx base left finger. However, the Investigating Officer through learned APP made a statement that, the said fracture was caused due to beating by hand by the Applicant No.2. Thus, it is made clear that, the fracture suffered by Pratiksha Mhatre, was not caused by using a dangerous weapon. The Investigating Officer further made a statement that, custodial interrogation of the Applicant Nos. 1 to 3 is not needed, therefore, Anticipatory Bail may be granted on conditions, as may be

deemed just. Insofar as Applicant No.4 is concerned, in view of the role attributed to the Applicant No.4 in the F.I.R. the learned Advocate for the Applicants, on instructions, did not press his Application.

6) In the result, the Application deserves to be partly allowed.
Hence, following Order :-

ORDER

- (a) The Application is allowed to the extent of Applicant Nos. 1 to 3.
- (b) The Application to the extent of Applicant No.4 stands disposed of as not pressed.
- (c) In the event of arrest of Applicant Nos.1 to 3 namely 1) Hemant Ramkaran Mhatre; 2) Aparna Hemanat Mhatre; and 3) Ritesh Hemant Mhatre in C.R. No.325/2024 dated 11/10/2024, registered with Kharghar Police Station, Navi Mumbai for offences punishable under Sections 115(2), 117(2), 118(2), 189(1), 189(2), 190, 191(2) 191(3), 352 of Bharatiya Nyaya Sanhita, 2023, they shall be released forthwith on bail on furnishing P.R. bond in the sum of Rs.15,000/- each with one surety in the like amount.
- (d) Applicant Nos. 1 to 3 shall attend the Investigating Officer attached to Kharghar Police Station, Navi Mumbai on 09th to 11th November, 2024, between 12.00 p.m. to 2.00 p.m.

- (e) Applicant Nos.1 to 3 shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses.
 - (f) Applicant Nos.1 to 3 shall not commit any offence.
 - (g) Applicant Nos.1 to 3 shall furnish their contact details and appropriate address to the Investigating Officer.
- 7) Application stands disposed of in above terms.

(SHYAM C. CHANDAK, J.)