

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

ANTICIPATORY BAIL APPLICATION NO. 3057 OF 2024

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| 1. | Ramesh Govind Khadkar | |
| 2. | Vignesh Ramesh Khadkar | ...Applicants |

Versus

The State of Maharashtra	...Respondent
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- Mr. Kuldeep Patil a/w Ms. Saili Dhuru, for Applicant.
- Mr. Bapu V. Holambe Patil, APP for Respondent.
- Mr. Milind Phadtare, API, Kharghar Police Station.

CORAM : MANISH PITALE, J.

DATE : 18th NOVEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and the learned APP for the respondent – State.

2. In the present case, the applicants are apprehending arrest in connection with First Information Report No.0327 of 2024 dated 12th October, 2024, registered at Police Station Kharghar, District Navi Mumbai, for offences under Sections 352, 191(3), 191(2), 190, 189(4), 189(2), 189(1), 118 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. In the said offences, only the offence under Section 118 of the BNS is a non-bailable offence. It pertains to voluntarily causing hurt or grievous hurt by dangerous weapons or means. In the present case, although in the statement of the informant, there is reference to use of weapon like

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wooden stick and sharp weapon, the CCTV footage and the *panchanama* thereof, prepared during the course of investigation shows that, at worst, the applicant No.1 slapped the mother of the informant and pushed her on the street due to which she fell and her face was banged on the street. *Prima facie*, there does not appear to be use of any weapons during the course of assault.

4. Although the learned APP submits that the CCTV footage and the *panchanama* in that context may not have covered the entire incident, in the absence of any injury certificate of the informant, who claimed to have been beaten up by 13-14 persons, only the injury certificate of the mother of the informant *prima facie* does not indicate use of any weapons, much less dangerous weapon. This would indicate that the offence may be under Section 117 of the BNS and its description may render it bailable. While keeping the present application pending, it would be appropriate to grant interim relief to the applicants.

5. Accordingly, there shall be interim order in the following terms :

- (A) Till the next date, in the event the applicants (1) Ramesh Govind Khadkar and (2) Vignesh Ramesh Khadkar, are arrested in connection with FIR No.0327 of 2024 dated 12th October, 2024, registered at Police Station Kharghar, District Navi Mumbai, they shall be released on bail on

furnishing PR Bonds of ₹ 50,000/- each with one or two sureties each in the like amount.

- (B) The applicants shall remain present before the Investigating Officer on 21st November, 2024 and 22nd November, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) During pendency of this application, the applicants shall not enter jurisdiction of Police Station Khargar, Navi Mumbai, except for appearing before the Investigating Officer in terms of the direction given hereinabove.
- (D) The applicants shall co-operate with the investigation.
- (E) The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

6. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

7. List for further consideration on **10th December, 2024, “High on Board.”**

(MANISH PITALE, J.)