

Prasad R. Rajput

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

ANTICIPATORY BAIL APPLICATION NO. 172 of 2025

Lenin Geroage Nadar	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 173 of 2025**

Priyanshu Jainarayan Yadav	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Deepak Gautam a/w Ms. Nandini Vasaikar, Advocates for Applicants.
 - Mr. Hitendra J. Dedhia, APP for State in ABA 172 of 2025.
 - Ms. Megha S. Bajoria, APP for State in ABA 173 of 2025.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 21, 2025

P. C.:

1. Heard Mr. Gautam, learned Advocate for Applicants; Mr. Dedhia, and Ms. Bajoria, learned APPs for State.

2. Present order shall dispose Anticipatory Bail Application No. 172 of 2024 and 173 of 2024. In Anticipatory Bail Application No. 172 of 2024 Applicant is Lenin Geroage Nadar and in Anticipatory Bail Application No. 173 of 2024 Applicant is Priyanshu Jainarayan Yadav. Applicants are apprehending arrest in connection with C.R. No. 0920

of 2024 registered with Bhandup Police Station, for the offences punishable under Sections 118(2), 189(2), 189(4), 190, 191(1), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**"). There are in all 5 accused indicted in connection with present crime.

3. There is a precursor incident to the main incident which probably was the provocation for the main incident. On 02.12.2024 at about 02.30 pm. Complainant and his friends were all sitting near pan Tapari situated at Santoshi Mata Mandir, Village Road, Bandup (W) when they were approached by Accused Nos.3, 4 and 5 and in view of some past history and quarrel between the two groups three accused warned and threatened the complainant and left the place. 10 minutes later Accused Nos. 3, 4 and 5 returned back with their friends namely Accused Nos. 1 and 2 who are Applicants before me. Initially verbal altercation ensued between the parties where abuses were hurled at each other which escalated into a skirmish and scuffle. In that scuffle Accused No.1 i.e. Priyanshu Yadav Applicant was involved.

4. Insofar as Accused No.1 is concerned he picked up a Bamboo lying nearby and inflicted a blow on the head of the complainant which led to his fall on the ground and Accused No.2 was carrying a sickle in his hand. With the said weapon i.e. the handle of the sickle he inflicted a blow on the head, face and hand of the Complainant. Medical certificate is placed before me which describes

injuries as simple injuries. Two of the three injuries are shown as mere swelling and the injury of the forehead is shown as swelling. Third injury also shows that it is mere a abrasion and there is no actual bleeding seen at all.

5. Considering the age of the Applicant - Priyanshu Jainarayan Yadav who is 21 years old and is working in a bank as informed by the learned Advocate. Insofar as the other Applicant - Lenin Geroge Nadar is concerned I am informed that he is a political party activist. Insofar as accused No.1 Priyanshu Jainarayan Yadav it is clearly seen from the FIR that in a heat of the moment he picked up Bamboo stick lying nearby and inflicted blow and as such the act was not premeditated. Insofar as Accused No.2 - Lenin Geroge Nadar though it is stated in the complaint that he has used the handle of the sickle to inflict the blows on the Complainant which itself shows that intention of the Applicant was not to injure or inflict a serious injury. What is seen from the FIR is that when Lenin Geroge Nadar inflicted blows it was preceded by a serious hurl of abuses between parties which is also stated and narrated in the FIR of the Complainant itself. *Mens rea* undoubtedly is *prima facie* ruled out. In that view of the matter both the applications stand allowed.

6. In that view of the matter, Applicants are granted pre-arrest bail on the following terms and conditions:-

ORDER

- (i) In the event of the arrest, the Applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Applicants shall not tamper or attempt to influence the Complainant, witnesses or any person concerned with the case;
- (iii) Applicants shall attend the Police Station on the first Monday of every month between 10.00 a. m. and 12.00 noon for three months and thereafter as and when called for by the Investigating Officer;
- (iv) Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

7. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. Applications stand allowed in the aforesaid terms and is accordingly disposed.

9. All concerned to act on the authenticated copy of this order.

PR. Rajput

[MILIND N. JADHAV, J.]