

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 175 of 2025

Paresh Subhash Kurhe

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Ms. Anandini Fernandes i/b Rajat Shukla, Advocate for Applicant.
 - Mr. Afsar Ansari, Advocate for Respondent No.2.
 - Ms. Rajeshree Newton, APP for State.
 - Mr. Birju Gusinge, PSI, Meghwadi Police Station Mumbai.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 21, 2025

P. C.:

1. Heard Ms. Fernandes, learned Advocate for Applicant; Mr. Ansari, learned Advocate for Respondent No.2 and Ms. Newton, learned APP for Respondent - State.

2. Applicant before me is one of the four accused who committed assault. The case of the prosecution is that on the date of the incident i.e. on the intervening night of 18.11.2024 and 19.11.2024 at about 03.00 am all four accused were having a heated debate on the road where they had stopped their vehicles. At that time the Complainant reached the place for meeting his friend from whom he received a phone call and looking at the heated debate between the accused he intervened. Admittedly, the Complainant was also known

to the accused. Complainant tried to pacify the verbal altercation between them which enraged the Accused. One of the accused namely Accused No.1 got angry on the intervention of the Complainant and questioned him for the same. Since the complainant did not listen it enraged the accused to push him and thereafter being further enraged he assaulted the Complainant with a knife which he was carrying. It was also alleged by the Complainant that some other friends of the complainant also intervened to break the quarrel between the parties and in that process there was a scuffle. *Prima facie* as noted and delineated above, both the parties were known to each other. Ms. Newton, learned APP brought to the notice the Medical certificate which shows that the injury is grievous. The complainant was treated in hospital and received 24 stitches. That apart another friend of Complainant was also injured in the scuffle and he has received 3 stitches. On reading of the FIR one thing is *prima facie* noted i.e. there is no premeditated act on the part of the accused and there is no *mens rea* as well. The crime rather the incident which is occurred is at the spur of the moment which is clear on reading of the FIR.

3. In that view of the matter, I am inclined to give the benefit of doubt to the Applicant. I am also informed that the Complainant has filed affidavit cum no objection which is solemnly affirmed and verified before the Notary Public on 20th January, 2025

and stated that the entire incident occurred due to the complete misunderstanding between the parties which escalated and resulted in the incident. Copy of affidavit cum no objection is taken on record. He has stated that the Accused were known to him and they are all friends and he would not like to see the present Applicant behind the bars. In view of the above, Applicant deserves to be given benefit of doubt.

4. Hence the following order:-

ORDER

- (i) In the event of the arrest, the Applicant 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) Applicant shall not tamper or attempt to influence the Complainant, witnesses or any person concerned with the case;
- (iii) Applicant 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) Applicant shall inform his 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 Applicant's bail.

5. Application stands allowed in the aforesaid terms and is accordingly disposed.