

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.204 OF 2025

Vishal Ketan Doshi
Son of Ketan Doshi .. Applicant No.1

And

Premprasad Bhandari Kulbahadur
Son of Bhandari Kulbahadur .. Applicant No.2

Versus

The State of Maharashtra .. Respondent

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- Ms. Rinki Agarwal, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent – the State of Maharashtra.
- Mr. Achyut Vishvanath Mupde, API, Dombivli Police Station (8888273111).

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 22, 2025

P.C.:

1. Heard Ms. Agarwal, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – the State of Maharashtra.

2. This is an Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with C.R. No.836 of 2024 registered with Dombivli Police Station for offences punishable under Sections 110, 118(1), 3(5), 351(2) and 352 of Bharatiy Nyaya Sanhita, 2023.

3. Date of incident is 02.10.2024. The First Informant – Complainant is known to Applicant No.1. Applicants are arraigned as

Accused Nos.1 and 3 in the crime. They both live in the same area right since childhood and were also involved in carrying out some *kiranamal* business together over a period of time and it is specifically stated in the First Information Report (for short '**FIR**') that there was some previous quarrel and enmity which Accused were harbouring in their mind. The FIR states that when Accused and Complainant confronted each other on a busy public road at about 08:30 p.m. on date of incident, there was a verbal altercation between them which escalated to a scuffle and resultantly Applicant No.1 picked up a wooden stick and inflicted the blow with the said stick on the head of Complainant.

4. Mr. Karmakar has placed before me the medical certificate issued by Medical Officer of Hospital of Kalyan Dombivali Municipal Corporation which certifies that injury is as a result of blunt trauma by Complainant and is shown as redness and swelling and as informed it is caused by infliction of blow by bamboo stick. Incident which occurred in question and according to Complainant's own version as stated in the FIR was due to a precursor issue about which Complainant has not given any details whatsoever.

5. That apart, there was an altercation which was followed by scuffle which led to the infliction of the blow. Custodial interrogation of Applicant in such a case is not required primarily because the parties

were known to each other since childhood and they had also been carrying out business together and were living in the same area. Needless to state that Applicant shall participate in the investigation as and when called for.

6. In that view of the matter, Applicant is 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. 10,000/- 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 until the Charge-sheet is filed and as and when called for by the Investigating Officer thereafter;
- (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. Application is allowed in the aforesaid terms and is accordingly disposed of.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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