

1. Iman Shoeb Patel
2. Subhan Shoeb Patel ...Applicants
Versus
State of Maharashtra & Anr. ...Respondents

CORAM : SHYAM C. CHANDAK, J.
DATE : 22nd MAY 2025
(VACATION COURT)

Ms.Saili Dhuru, learned Advocate states that she has instructions to appear for the first informant and filed her *Vakalatnama*. It is taken on record and marked “X”.

2) Learned Advocate for the Applicants is directed to add the first informant as party Respondent No.2. Amendment to be carried out forthwith.

3) Heard learned Advocate for the respective parties and learned APP for the Respondent-State.

4) Instant Application is preferred for grant of an Anticipatory

Bail as the Applicants are apprehending their arrest in C.R.No.136 of 2025, dated 19/04/2025, registered with Taloja police station under Sections 118(1), 118(2), 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the Report of Respondent No.2.

5) Learned APP filed a report received from the Investigating Officer. It is taken on record and marked "X-1".

6) The prosecution case is that on 18/04/2025, at about 6.30 PM, Respondent No.2 alongwith his friend Sajid Aslam Patel were proceeding on the motor cycle from *Taloja*. When they reached at the spot of the incident, accused Shaoib Patel hit the informant on the face by means of a hockey stick. Resultantly, Sajid Patel and the informant fell down along with the motor cycle. At that juncture, accused Shaoib Patel, his son Ajman Patel and the present Applicants assaulted the informant. Ajman Patel was armed with an iron rod, Applicant No.1 was armed with a hockey stick and Applicant No.2 was armed with a bat. They all assaulted the informant by means of those objects. As a result, the informant sustained serious injuries. Thereafter, the informant was admitted to Sai Multi-Speciality Hospital, Taloja for medical treatment from where he filed the Report pursuant to which the aforesaid crime came to be registered. Therefore, the Applicants filed Anticipatory Bail Application Nos.331/2025 and 332/2025 respectively, which came to be rejected by the Additional Sessions Judge, at Panvel-Raigad, for the reason that there is a prima facie case against the Applicants of having committed a serious offence by way of conspiracy,

therefore, custodial interrogation of the Applicants is required.

7) Learned Advocate for the Applicants submitted that none of the injuries sustained by injured can be attributed to the Applicants. The Applicants are aged 18 and 20 years respectively and they have no criminal antecedents. Therefore, they may be enlarged on bail.

8) In contrast, learned APP submitted that the F.I.R. clearly recorded that the Applicants used hockey stick and bat to assault the informant, who has suffered grievous injuries. Therefore, he submits that bail may be refused.

9) Learned Advocate for Respondent No.2 has supported said arguments.

10) The medical certificates shows that the assault resulted in the following injuries to the informant :-

1. Fresh CLW of 1x2x2 cm with Irregular margin on Right Lea (Tibial mid shaft region)
2. Blunt Stick mark Horizontal seen on left side of abdomen approximately 5cm x 3cm in left flank area.
3. Bleeding from CLW of mouth (upper lip and teeth gum. -region with active Bleeding. Grievous.
4. Swelling & tenderness with restricted movement of knee joint on left side. Simple.
5. Left hand little finger with severe pain and swelling with s/o fracture seen on little finger. Fresh and grievous.
6. Right Hand little finger with painful restricted movement with fractured little finger. Fresh and grievous.
7. Left thigh horizontal stick rod mark seen with 4 x 4cm size seen just above the knee joint. Fresh simple.

11) The FIR clearly recorded that when the informant and his friend fell down due to the first blow by accused Shoeb Patel, the Applicants did not stop him from assaulting further, rather, they joined him in the assault, using hockey stick and bat. That apart, when Sajid tried to intervene, he was stopped by the Applicants. Considering the numbers and nature of the injuries sustained by the informant, the same can be attributed to the Applicants. As such, there is a strong *prima facie* case against the Applicants. The objects used by the Applicants in the offence are to be recovered from them. Therefore, their custodial interrogation is necessary. Considering the facts of the case, it appears that the Applicants have no respect for law.

12) In view thereof, I have not find any justifiable ground in favour of the Applicants to enlarge them on anticipatory bail. Hence, the Application is rejected.

(SHYAM C. CHANDAK, J.)