

PMB

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

ANTICIPATORY BAIL APPLICATION NO.3189 OF 2022

SANDEEP KAMNATH KOYANDE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Vedant Bende h/f Mr. Bhushan U. Deshmukh for
applicant.

Mr. N. B. Patil, APP for State.

Mr. Amit Harpalkar, PC, Malwan Police Station, Sindhudurg.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 323, 324, 326, 336, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No.168 of 2022 dated 25/10/2022 registered with Malwan Police Station.
- 3.** The first informant is Tamas F. Braganza. The time of

the FIR is 23:46 hours. The FIR which was prior in point of time i.e. at 21:04 hours was lodged at the instance of the daughter of the applicant against Braganza under Sections 143, 147, 148, 149, 354, 354A(1)(iv), 354B, 324, 323, 504, 506 and 427 of the IPC. In the FIR filed by the applicant's daughter, serious allegations are levelled against the informant-Braganza and his other associates. The applicant's daughter alleged that she was molested. The incident is stated in detail in the FIR filed by her. In the FIR filed by the applicant's daughter, it has been stated that the applicant as well as his daughter were assaulted. The applicant suffered head injury and he was treated at the hospital. It is alleged that the applicant has inflicted a knife blow on the chest of the informant. The FIR in respect of which the applicant has been arraigned as an accused, is at a later point of time. The applicant has suffered a simple injury.

4. Looking at the nature of the allegations levelled in the FIR filed by the daughter of the applicant and nature of the injury suffered by the applicant as well as the informant,

the applicant deserves to be granted pre-arrest bail. There is nothing to be recovered from the applicant. Apart from the merits, I also find that the custodial interrogation of the applicant is not necessary as he himself is an injured witness. Hence, the following order :-

ORDER

- (i) In the event of arrest in connection with C.R. No.168 of 2022 registered with Malwan Police Station, the applicant-Sandeep Kamnath Koyande shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.
- (ii) The applicant to co-operate with the Investigating Officer.
- (iii) The applicant to report to the concerned police station as and when called for.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

5. Anticipatory Bail Application is disposed of.

(M. S. KARNIK, J.)