

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

ANTICIPATORY BAIL APPLICATION NO.708 OF 2022

Vijay Subhash Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Anil Kamble with Ms Reena Sharma for the Applicant.

Ms A.A. Takalkar, APP for Respondent -State

Mr. Ankush Warungse, PSI, Kalyan Taluka Police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st MARCH, 2022.

P.C.:-

1. By this application filed under Section 438 of the Cr.P.C., the Applicant has sought pre-arrest bail apprehending his arrest in C.R. No. 570 of 2021 registered with Kalyan Taluka Police Station, District -Thane for offences punishable under Sections 143, 147, 149, 307, 326 and 427 of the IPC and Sections 4 and 25 of the Indian Arms Act.

2. The aforesaid crime was registered pursuant to the FIR lodged by one Sachin Patil. It is the case of the prosecution that on 01/11/2021 some 10 to 12 persons formed an unlawful assembly armed with deadly weapons and assaulted said Sachin in an attempt to cause his death. The

Applicant is not named by the injured or by any of the witnesses. CCTV footage was retrieved. However, till date the investigating agency has not ascertained whether the Applicant is seen in the CCTV footage. It is stated that one of the co-accused, who has been arrested has been identified by the injured and on the basis of the statement of the said co-accused the present Applicant has been roped in. Apart from the said statement there is no other material to show the involvement of the Applicant in the said crime.

3. Under the circumstances, in my considered view this is a fit case for pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No. 570 of 2021 registered with Kalyan Taluka Police Station, District Thane, the Applicant is ordered to be released on bail on executing bail bonds in the sum of Rs.30,000/ with one or two solvent sureties to the like amount;

(ii) The Applicant shall report to the police station for a period of four days from 04/04/2022 between 11.00 to 2.00 p.m. and thereafter as and when required by

the Investigating Officer;

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and/or change of residence or mobile details, if any, from time to time;

(iv) The Applicant shall not interfere with the witnesses and /or tamper with the evidence in any manner.

4. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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