

14 November, 2022.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2977 OF 2022

Mayur Pradeep Devkar

.....Applicant

V/s.

State of Maharashtra

....Respondent

Mr. Satyam Nimbalkar a/w. Mr. Mr. Abhishek U. Arote

Advocate for the applicant.

Mr. A.A. Palkar, APP for State.**CORAM : SANDEEP K. SHINDE, J.****MONDAY 14TH NOVEMBER, 2022.****P.C. :**

1. Heard learned Counsel for the parties.
2. Applicant seeks pre-arrest bail in connection with Crime No. 782/2021 registered at Hinjewadi Police Station, Pune for the offences punishable under Sections 143, 147, 148, 149, 308 and 324 of the Indian Penal code with Sections 4 and 35 of the Arms Act.

3. Prosecution's case is that, on 18th October, 2021 applicant being a member of unlawful assembly in prosecution of a common object allegedly assaulted, Suraj Bhumkar. In report, he ascribed major role to, Ashok Kenkare, who has allegedly assaulted him with Axe. Insofar as the applicant is concerned, complainant alleged that he was armed with sword, however, he did not inflict injury to him. Mr. Nimbalkar, has invited my attention to the Medical Certificate, which shows, the complainant had suffered four simple injuries, which were either CLW or bruises. Mr. Nimbalkar, has also invited my attention to the supplementary statement of the complainant recorded on 13th December, 2021 and statements of witnesses dated 30th December, 2021 and 2nd January, 2022. Reading all these statements conjointly, in terms, contradicts the report, lodged soonafter the alleged incident and negates and/or dilutes prosecution case. Even otherwise, the supplementary statement of the complainant suggests that, he had filed an Affidavit in the Court of Sessions and denied the accusations, made by him at the first instance. May be on that ground, this Court had granted pre-arrest protection to two accused persons and accused, Akash has been granted regular bail by the Court of Sessions. Mr. Nimbalkar, learned Counsel would therefore submit that, having regard to the facts of the case,

no purpose would be served by custodial interrogation of the applicant.

4. The application was opposed by the learned APP pointing out that the incident was captured in CCTV and it shows the presence of the applicant on the spot. Learned APP submitted that, in view of the fact that, applicant was armed with sword, anticipatory bail may not be granted to him.

5. I have perused the complaint, supplementary statement and material in the chargesheet. It indicates that although the applicant was allegedly present on the spot of the incident, no role has been attributed to him for inflicting the injuries on the person of the complainant or otherwise. Thus, taking overview of the matter, case is made out for granting interim protection to the applicant. Even otherwise, the investigation in the case is over. Insofar as applicant's presence for the trial is concerned, the same can be secured by imposing suitable conditions. Hence, the following order :

ORDER

(i) In the event of arrest of the applicant-Mayur Pradeep Devkar in Crime No. 782/2021 registered at Hinjewadi Police Station, he be released on bail on executing P.R. Bond in the sum of Rs. 30,000/- (Rs. Thirty Thousand only) with one or more local sureties in the like amount;

(ii) Applicant shall report to the Investigating Officer, twice a month i.e. second and fourth of each month between 11:00 a.m. to 1:00 p.m. till the charge is framed.

(iii) Applicant shall furnish her residential address and contact details to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. Application is allowed and disposed of in the aforesaid terms.

**NEETA
SHAILESH
SAWANT**

(SANDEEP K. SHINDE, J.)

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2022.11.15
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