

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3005 OF 2022

Aftabhuesen S. Jamadar
V/s.

...Applicant

State of Maharashtra

...Respondent.

Mr. Satyavrat Joshi i/b Mr. Nitesh Mohite for the Applicant.
Mr.V.B. Konde-Deshmukh , APP for the Respondent – State.
API Deepak W. attached to Kagal Police Staiton presnt.

CORAM : N.R. BORKAR, J.
DATE : 14.11.2022.

P.C. :

1. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.293 of 2022 registered at Kagal Police Station for the offence punishable under Sections 307 and 327 read with 34 of the Indian Penal Code (IPC).
3. It is the case of the prosecution that on 5 October 2022, the present applicant along with other co-accused assaulted the complainant and attempted to kill him.
4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned counsel for the applicant submits that according to the complainant the present applicant assaulted him by belt. It is submitted that the applicant is aged about 19 years old and there are no other criminal antecedents. It is thus submitted that the applicant may be released on anticipatory bail.

6. On the other hand, learned APP submits that the co-accused in the crime assaulted the complainant by stone. It is submitted that the present applicant first assaulted the complainant. It is accordingly, submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the First Information Report. According to the complainant, the present applicant assaulted him by belt. It appears that while the incident was going on the co-accused Ajit Naik and Vishwajeet Dubal picked up the stones which were lying there at the spot and assaulted the complainant on his hand. The incident does not appear to be premeditated. Considering the role attributed to the present applicant and as there are no criminal antecedents, I am inclined to grant anticipatory bail to the present applicant. Hence, the following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with C.R. No.293 of 2022 registered at Kagal Police Station for the

offence punishable under Sections 307 and 327 read with 34 of the IPC, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station from 21 November 2022 to 23 November 2022 between 11.00 a.m. to 02.00 p.m. and thereafter as and when called by the Investigating Officer and shall co-operate in the investigation.

[N.R.BORKAR, J.]