

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1950 OF 2023

Shubham Mahesh Koli

... Applicant

V/s.

The State of Maharashtra

... Respondent

VAIBHAV
RAMESH
JADHAV
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Mr. Pramod S. Kumbhar with Mr. Tanmay Karwa and
Adv. Disha Gupta for the applicant.

Ms. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 21, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.135 of 2023 registered with Vita Police Station, District Sangli for offences punishable under sections 367, 324 and 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, on 12th March 2023 at about 10.00 p.m. quarrel took place between the informant and co-accused Yogesh Pawar. After some time co-accused called the applicant and other co-accused and all of them started assaulting the informant. It is further alleged that co-accused Yogesh and Amar assaulted the informant with rods and the applicant assaulted with bamboo and after that the applicant and co-accused

Amar took informant on scooty but the informant's friend saw them, therefore, Amar pushed the informant from scooty and ran away. Thereafter, the informant on 13th March 2023 lodged report against the applicant and co-accused.

3. The applicant, therefore, applied for relief under section 438 before the Sessions Judge, which came to be rejected by order dated 20th April 2023.

4. Learned advocate for the applicant pointed out that the applicant is falsely implicated. The co-accused are released on bail. The applicant is in the police station at 09:38 p.m. on 12th March 2023, however, alleged incident was took place on 12th March 2023 at 10:00 p.m. According to him, the applicant is entitled to relief.

5. On perusal of the report, it appears that the injuries are simple in nature. According to the applicant, he was in police station at 21:38 hours. However, the alleged incident occurred at 10:00 p.m. Remaining co-accused were released on bail. Considering overall circumstances, the applicant has made out a case for relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.135 of 2023 registered with Vita Police Station, District Sangli for offences punishable under sections 367, 324 and 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR Bond in the sum of Rs.25,000/- along with one or two sureties in the like amount.

- b) The applicant shall remain present before the investigating officer on 24th, 26th and 28th July 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer.
 - c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
6. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)