

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2683 OF 2023

Birudev Dnyanu Kharat and Anr. ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr. Nagesh Chavan, for the Applicant
Ms. Anamika Malhotra, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 20, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.271 of 2023 registered at Aatpadi police station, Sangli for the offences punishable under sections 143, 147, 148, 149, 307, 324, 323, 427, 504 and 506 of Indian penal Code, 1860 and section 135 of Maharashtra Police Act, 1951.
3. When the application was listed before the Court on 25th September, 2023 this Court was persuaded to grant interim bail observing, inter alia, as under:-

6] Prima facie, from the perusal of the allegations in the FIR it appears that the allegations of assault by means of sharp weapon are attributed to the co-accused Ramesh Aldar and Netaji Sargar. Whether the offences were committed in prosecution of the common object of the unlawful assembly and the applicants being the members of the unlawful

assembly knew that those offences were likely to be committed, is a matter for investigation. I am, therefore, inclined to grant interim protection while directing the applicants to join in the investigation.

4. The learned counsel for the applicants submits that in terms of the aforesaid order, the applicants have appeared before the investigating officer and cooperated with the investigation. The learned counsel further submitted that the principal assailants Ramesh Aaldar and Netaji Sargar have been granted regular bail by the Court of Session, by an order dated 27th October, 2023.

5. In view of the aforesaid development and for the reasons which weighed with this Court in granting interim bail to the applicants, I am impelled to make the order of interim bail absolute.

6. The order of interim bail dated 25th September, 2023 is amade absolute on the terms and conditions incorporated therein.

7. The applicants shall henceforth appear before the investigating officer as and when directed.

8. The applicant shall regularly attend the proceedings before the jurisdictional Court.

9. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)