

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3644 OF 2022**

Nilesh Ravindra Patil ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Aditya Raktade for the Applicant.

Mr. S.S. Hulke, APP for the State.

API Deepak Bhausahab Wakchaure, Kagal Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 7 JANUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.293 of 2022 registered at Kagal Police Station, Kolhapur for the offences punishable under Sections 307, 327 r/w. 34 of Indian Penal Code.

3. According to prosecution, on 5 October 2022 the present applicant alongwith the co-accused assaulted the complainant and his friend and attempted to kill them.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant has placed on record a copy of the Order passed by this Court dated 14 November 2022 in Anticipatory Bail Application No. 3005 of 2022. By the said Order, this Court has granted anticipatory bail to the co-accused namely, Aftabhuesen S. Jamadar. The learned Counsel for the applicant submits that the role attributed to the present applicant and co-accused Aftabhuesen is identical. It is thus submitted that the present applicant may be released on anticipatory bail.

6. On the other hand, the learned APP for the State submits that the present applicant assaulted the complainant by belt and even snatched the gold chain of the complainant. It is further submitted that the present applicant is involved in one more crime punishable under Sections 341, 354(A), 354(D), 504, 506 r/w. 34 of Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act for outraging modesty of minor girl. It is submitted that considering these facts and circumstances, the applicant may not be released on anticipatory bail.

7. It appears that the present applicant not only assaulted the complainant but also snatched the gold chain which was there on the person of the complainant. Considering the facts and circumstances and as the applicant is involved in one more crime, I am not inclined to grant

anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is rejected.

(N.R. BORKAR, J.)