

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 71 OF 2023**

Ajit Namdev Nimbalkar

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyavrat Joshi i/b Mr. Nitesh Mohite for the Applicant.

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

Mr. Atul Thorat, PSI, Bharati Vidyapeeth, Police Station, Pune, Present.

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**CORAM : N.R. BORKAR, J.**

**DATED : 12 JANUARY 2023**

**P.C. :-**

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

2. The applicant is apprehending his arrest in Crime No. 825 of 2022 registered at Bharati Vidyapeeth police station for the offences punishable under Sections 307, 326, 324, 323, 427, 504 read with 34 of the Indian Penal Code and Section 37(1), 135 of Bombay Police Act.

3. According to the prosecution, on the date of incident, which took place on 9 December 2012, the complainant and his friend had gone to Malhari Family Restaurant for dinner. It is alleged that on some trivial issue dispute arose between them and hotel staff and during the said dispute co-accused i.e. owner and waiters of the said hotel assaulted them by knife and sticks. It is alleged that while the complainant and his friends

were leaving the hotel, the present applicant came there and assaulted to one Sunny and caused damage to the vehicles of the complainant and his friends.

4. According to the learned APP said Sunny declined to get himself medically examined. In absence of any injury certificate, it will have to be inferred that no injury was caused to him.

5. As regards the allegations in relations to damage caused to the vehicles, the learned counsel for the applicant on instructions submits that the applicant without prejudice to his rights is ready and willing to deposit an amount of Rs.50,000/- with Police Welfare Fund and shall not seek refund of the said amount even if he is acquitted.

6. Considering the facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed
- (ii) In the event of arrest of the applicant in Crime No. 825 of 2022 registered at Bharati Vidyapeeth police station for the offences punishable under Sections 307, 326, 324, 323, 427, 504 read with 34 of the Indian Penal Code and Section 37(1), 135 of Bombay Police Act he shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

7. The applicant shall deposit the amount of Rs. 50,000/- in the following bank account of the Police Welfare Fund, Pune within eight weeks from today and shall submit it's receipt to the investigating officer.

Bank Name : SBI NCL, Pune

A/c No. : 10023971450

Customer Name : SSUPDD of Police Rural (Wel)

IFSC Code : SBIN0003552.

8. The deposit of the amount shall not be construed as an admission of the guilt by the present applicant, and the trial Court shall decide the case on it's own merits.

( N.R. BORKAR, J. )