

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.670 OF 2023

Ashutosh Ashok Lokhande ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Satyawrat Joshi i/b. Mr. Ashish Vernekar, for the Applicant
Mr. M.G. Patil, APP, for the Respondent/State.
Mr. R.T. Dalvi, PSI, Lonikand police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 17, 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. 102 of 2023 registered at Lonikand police station for the offences punishable under sections 324, 323, 504 and 506 of Indian penal Code, 1860 and 25 of Arms Act, 1959.
3. The first informant is a labour contractor. He was called by co-accused Gopichand at Sai Amrut Collection. The said accused initially abused and assaulted the first informant. When the first informant proceeded towards the police station in his car, he was followed and intercepted by another. Co-accused Gopichand alighted from the said car, armed with pistol. The first informant was made to alight from the car by showing the pistol. The applicant was

allegedly armed with a knife. The applicant gave blow by means of knife on the right hand. The co-accused Gopichand also assaulted the first informant by taking over the knife from the applicant. People raised alarm and the assailants fled away.

4. The learned counsel for the applicant submitted that the entire incident is captured in CCTV camera. The injuries suffered by the first informant were self-inflicted. It was further submitted that the offence punishable under section 324 of the Code, which is the major offence, is bailable. Prima facie, offence under section 25 of the Arms Act cannot be said to have been made out as the pistol was allegedly not used.

5. The learned APP submitted that the injury certificate revealed that the first informant had sustained six injuries.

6. Evidently, the first informant sustained simple injuries. At this stage, the question as to whether the injuries were self-inflicted cannot be delved into. Nonetheless the fact remains that the major offence for which the applicant has been arraigned is punishable under section 324 of the Code. The applicant was not armed with pistol. Thus, having regard to the nature of the accusation, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. In the event of arrest in C.R. No. 102 of 2023 registered at Lonikand police station, the applicant Ashutosh Ashok Lokhande be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
8. The applicant shall cooperate with the investigation and attend Lonikand police station, on 25th, 26th and 27th October, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.
9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
10. The applicant shall regularly attend the proceedings before the jurisdictional Court.
11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)