

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 690 OF 2023

Nikhil Kailas Ahiwale

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Soham Pawar a/w Mr. Kuldeep Patil i/b Ms. Saili Dhuru for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 29 MARCH 2023

P.C. :-

1. 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. 1 of 2023 registered at Vadgaon Maval Police Station, Pune (Rural) for the offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on 31 December 2022, dispute arose between the complainant and co-accused Sambhaji Bhilare on some trivial issue. It is alleged that during the said dispute the present applicant and other co-accused assaulted the complainant by iron spade and stick and attempted to kill him.

5. The learned counsel for the applicant submits that according to the complainant, present applicant assaulted him by plastic chair. It is submitted that motive for alleged offence is not attributed to the present applicant. It is submitted that applicant is a meritorious student and there are no other criminal antecedents.

6. Prima facie, the incident does not appear to be premeditated. From the documents place on record the applicant appears to have passed Bachelor of Computer science examination with distinction.

7. The learned APP submits that custody of present applicant is required to conduct TI parade. However, considering the overall facts and circumstances of the case, 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 applicant in Crime No. 1 of 2023 registered at Vadgaon Maval Police Station, Pune (Rural) for the offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code, 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 subject to deposit of Rs. 50,000/- in

the following bank account of Police Welfare Fund:

Account No. : 10023971450
IFSC : SBIN0003552
Branch : National Chemical Laboratory Campus, Pune.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)