

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1448 OF 2023

Hanuman Harishchandra Patil ...Applicant
Vs.
The State Of Maharashtra And Anr
(At the instance of Manda West (Titwala)
Kalyan Taluka Police Station) ...Respondent

Ms. Kajal Upadhyaya a/w. Ms. Angela Singha a/w. Ms. Anima Mishra a/w Ms. Ritu Singh a/w. Mr. Aney Singh i/b. SGB Law for the Applicant.
Mr. H.J. Dedhia APP for the State/Respondent.

DATED : 30TH JUNE 2023

1. Heard. Learned counsel for the Applicant and learned APP for the State and Investigation officer from Manda West (Titwala) Kalyan Taluka Police Station is present. Chargesheet is filed by the police in CR No.T-604/22 for the offences punishable under Section 307, 143, 147, 148, 149, 323, 504 and 506 of IPC. The present Applicant is shown as wanted accused. The first informant Pushparaj Jadhav was assaulted by various persons on 09/12/2022 in a place situated at Titwala(East), at about 7.35p.m. Though, few of the accused are named in the FIR, the present

Applicant is not named initially on 09/12/2022.

2. Subsequently, the Additional statement of the first informant Pushparaj Jadhav is recorded and he attributed the role of instigator to the present Applicant. The Applicant instigated other accused persons to assault the first informant to kill him. There is a prayer for Anticipatory Bail mainly for two grounds, one for not being named in the FIR and second is the chargesheet is filed against the arrested accused persons and the accused persons have been released on bail.

3. Whereas the learned APP submitted that supplementary statement of the first informant which was recorded on 11/12/2022. Earlier to that there are statements of witnesses including one Kabir Jadhav and others and that were recorded on 10/12/2022. Wherein they have stated about involvement of the Applicant as instigator. My attention is also invited to the Injury certificates. The Injury Certificate of Kabir Jadhav is at page 78, all injuries are simple in nature, whereas injury certificate of first informant is at page 80. The second injury is simple which is a lacerated wound and it is on Perital region of the Skull. The nature of injury is simple, and on the

basis of those injuries first information is recorded and offence came to be registered against the accused persons. Even though, it is true that the Applicant is named in the supplementary statement. It is true that there is no allegation that he has used any weapons. Even though antecedents are there, prayer for anticipatory bail be considered on the basis of allegations and necessity of custodial interrogation in the present case.

4. Chargesheet is already filed against other arrested accused persons. When there is no allegation of use of weapon and when he is not being named in the FIR, I am inclined to grant anticipatory bail to the Applicant. Hence, order :-

ORDER

- (i) In case of an arrest in connection with C.R. No. T-604 of 2023 registered with Kalyan Taluka Police Station – Thane City for the offences punishable under Section 307, 143, 147, 148, 149, 323, 504, 506 of IPC, the Applicant – Hanuman Harischandra Patil be released on furnishing personal bond and surety bond of Rs.25,000/-.
- (ii) Applicant is directed to attend the Kalyan Police Station – on first and third Tuesday from 10.00 to 12.00 noon until filing of charge-sheet.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.

(iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

5. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
6. Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]