

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1468 OF 2023

VAIBHAV
RAMESH
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Chhaya Anil More

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Umesh S. Gawali with Mr. Ramji T. Kotali for the applicant.

Ms. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 31, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.466 of 2023 dated 22nd April 2023 registered with Pimpri Police Station, District Pune for offences punishable under sections 307, 323, 143, 147, 148, 149, 109, 114 of the Indian Penal Code, 1860, and section 4(25) of the Arms Act, 1959, and section 37(1), 135 of the Maharashtra Police Act, 1951, the applicant is seeking pre-arrest bail under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, on 20th April 2023, the applicant and other co-accused made attack on the complainant and his sister namely Kajal Swapnil Gaikwad in which co-accused Sahil Waghmare, Gaya Waghmare and Rupali Dengale assaulted him by means of wooden sticks, thereby he fell down, and

thereafter, present applicant along with other co-accused assaulted him by fist and blows. The co-accused namely Navnath Dengale assaulted complainant's sister with Koyta on her head. Due to assault, complainant and his sister namely Kajal Gaikwad sustained grievous hurt. Thus, complainant registered a report.

3. The learned Sessions Court rejected the application filed under section 438 of the Criminal Procedure Code, 1973 by order dated 11th May 2023.

4. On perusal of the report and case papers, it appears that no active role is attributed to the applicant. According to the prosecution, the applicant was sitting in auto-rickshaw. In that view of the matter, custodial interrogation of the applicant is not required. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.466 of 2023 dated 22nd April 2023 registered with Pimpri Police Station, District Pune for offences punishable under sections 307, 323, 143, 147, 148, 149, 109, 114 of the Indian Penal Code, 1860, and section 4(25) of the Arms Act, 1959, and section 37(1), 135 of the Maharashtra Police Act, 1951, she be released on bail on furnishing PR Bond in the sum of Rs.15,000/-, along with one or two sureties in the like amount;

5. The applicant shall remain present before the investigating officer on 4th, 5th and 9th August 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;

6. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
7. The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
8. The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.
9. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)