

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1741 OF 2023

Avinash S/o. Prakash Uchale

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. K.N. Shermale for the applicant.

Mrs. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 22, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.758 of 2022 registered with Shirur Police Station, Shirur, District Pune for offences punishable under Sections 307, 326, 324, 323, 427, 141, 143, 147, 148, 149 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, the accused persons were travelling for sand excavation from village of the informant. On 20 November 2022 at about 8.00 a.m. the accused persons had quarrel with the informant and others. The applicant is accused No.4. According to prosecution, accused No.1 slapped the informant and assaulted him by using rear portion of sword. The role attributed to the applicant is that he threw sickle towards informant which was missed.

3. On perusal of the charge-sheet filed on record, it appears that except role of throwing sickle towards the informant which has caused no injury, no other role has been attributed to the applicant.

4. Learned APP invited my attention to the non-cognizable complaint filed against the applicant on 30 November 2022. It is alleged in the said complaint that the applicant and another co-accused threatened the informant.

5. Learned advocate for the applicant, on instructions, states that the applicant will abide by the conditions imposed by this Court.

6. On overall consideration of the allegations against the applicant and material on record, the applicant has made out a case for relief under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.758 of 2022 registered with Shirur Police Station, Shirur, District Pune for offences punishable under Sections 307, 326, 324, 323, 427, 141, 143, 147, 148, 149 of the Indian Penal Code, 1860, he be released on bail on furnishing PR. Bond in the amount of Rs.50,000/- with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 26, 28 and 30 June 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

- c) 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;
- d) 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;
- e) 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

7. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)