

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1852 OF 2023**

Ankit Dharmendra Mishra	...Applicant
vs.	
State of Maharashtra	...Respondent

Ms. Kusum Pandey for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.
Mr. Sandesh Palande, API, Achole police station present.

CORAM : S. M. MODAK, J.

DATED : 24TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State. The officer is present.
2. The Court of Additional Sessions Judge, Vasai has granted anticipatory bail to co-accused-Surendra Gopal Rana as per order passed in Anticipatory Bail Application No.691 of 2023. Whereas, another Judge at Vasai has rejected anticipatory bail moved by this Applicant on 19th June 2023. The learned Judge has observed that their roles are different and the present Applicant has not cooperated, when there was interim protection granted to the Applicant.
3. Learned Advocate for the Applicant submitted that there was

no attendance condition, however, learned APP submitted that a letter was sent to the Applicant but he has not attended.

4. I have read the FIR lodged by Atish Kamble on 10th April 2023. Three accused persons are named therein, one is Sonu Rana, who is granted anticipatory bail, second is Shoeb and the third present Applicant. He is before us. There is reference of 7-8 unknown persons. Accused No.2-Shoeb assaulted the first informant with help of chopper. The offence is registered under Sections 143, 144, 147, 148, 149 and 307 of IPC. All of them came in the Ertiga car, which is seized.

5. I have read supplementary statement of the first informant-Atish Mishra. It reveals that apart from the incident mentioned in the FIR, there were earlier incidents also. There is allegation that the present Applicant came on motor-cycle and after the assault, present Applicant along with one Mohit Pande ran on motor-cyle.

6. I do not think that the role of present Applicant is different from that of co-accused-Sonu Rana. So, the Applicant deserves to be released on anticipatory bail, as nothing is to be recovered from him. Except presence, no overact is attributed. Hence, the following order is passed :

O R D E R

- (a) In the event of arrest, the Applicant-Ankit Dharmendra Mishra, be released on bail in connection with C.R. No.I-204 of 2023, registered with Achole police station, Palghar for the offences punishable under Sections 307, 143, 144, 147, 148, 149 of IPC read with 34 of IPC, on furnishing on furnishing personal bond and surety bond of Rs.25,000/-.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant shall give attendance to the Achole police station, Palghar on 28th July 2023, 4th August 2023 and 11th August 2023, from 10 am to 12 noon and thereafter as and when called by the police.
- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.

7. Application is disposed of accordingly.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]