

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1861 OF 2023

Akash Greycy Urankar

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Manoj Badgujar for the Applicant.

Mr.S. R. Agarkar, APP for the Respondent-State.

PSI Machhindra Tukaram Hazare, Badlapur (West) Police Station present.

CORAM : S. M. MODAK, J.

DATED : 10TH JULY 2023

P. C. :

1. Heard the learned advocate for the applicant and learned APP for the respondent – State.
2. The FIR mentions about involvement of six named accused persons and three to four unknown persons. The first informant was assaulted on 27 August 2022 at about 23.54 hrs when he was returning home. Since, the first informant was travelling in white car, two unknown persons gave signal, he stopped the car. They encircle the car. One of them started abusing him. So he came out of the car. The accused persons started hitting the car with rod, sword,

stones. The accused persons also assaulted him. Out of them one accused named Rautya was there. Learned advocate for the applicant claims that the present accused was not named in the FIR. He cannot be connected to said Rautya. He submitted that he was very much available at his residential address since 20 August 2022 i.e. the date of registration of offence. Even if he is considered as Rautya, his custodial interrogation is not required.

3. Learned APP points out that after assaulting one of them, the main accused fired in the air and they have chased the first informant. He submitted that the co-accused in his memorandum of statement has referred to Rautya as the present applicant.

4. It is true that charge-sheet is filed against co-accused and the present applicant is shown as wanted accused. Earlier, the offence is registered under Sections 25 and 3 of the Arms Act, 1959, and under Sections 143, 144, 147, 148 , 149, 323, 427, 504, 506, 506(2) of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951 but Section 307 of the Indian Penal Code was added later.

5. I am inclined to grant anticipatory bail. It is for the reason that the applicant was not named in the FIR and at the most he was

referred by 'Rautya', and there is only allegation of slapping the first informant. About sharing of common object, it can be considered at the time of trial. Hence the order;

ORDER

- (a) In the event of arrest, in connection with C.R. No. 184 of 2022 registered with Badlapur West Police Station, District Thane, for the offences punishable under Sections under Sections 25 and 3 of the Arms Act, 1959, and Sections 143, 144, 147, 148, 149, 323, 427, 504, 506, 506(2) of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951, the applicant be released on bail 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 Badlapur West Police Station, District Thane on every 2nd and 4th Saturday of month between 10 am to 12 noon till

filing of the chargesheet.

(d) Needless to say, violating of the condition above will make the applicant liable for cancellation of anticipatory bail, after notice to the applicant.

6. Application is disposed of accordingly.

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

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

[S. M. MODAK, J.]

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