

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1890 OF 2023

Rajesh Navnath Udamale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Paras Yadav, for the Applicant.

Mr. Amit A Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 10, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.557 of 2023 registered with Wakad police station for offences punishable under Sections 307, 143, 144, 149 of the Indian Penal Code, 1860 (for short 'IPC'), Section 4(25) of Arms Act and Section 37(1)(3), 1(35) of Bombay Police Act, the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to the prosecution, the report has filed alleging therein that on 9 June 2023 around 23:00 hours the informant was standing with his friend Soham Vilas Jadhav at Ajinkya colony 05, near Ganapati Temple, Kalewadi, Pune. A group of boys came towards them, including informant's acquaintances all from Kalewadi, Pune. They started abusing and assaulting to informant's friend Soham. The informant intervened to settle their quarrel, they started assaulting to informant with kicks and blows.

They beaten the informant on his back below, neck, head and cheek. They assaulted the informant with fist and blows. The informant was severely injured and started bleeding from head. Therefore, the informant lodged complaint against the applicant and others with the respondent police station.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 21 June 2023. Aggrieved thereby, the applicant has filed the present anticipatory bail application.

4. On perusal of material on record, it appears that the role attributed to the applicant is assault by fist and blows. There is no corresponding injuries to the informant. All other accused are arrested.

5. Considering role attributed to the applicant, custodial interrogation of the applicant is not necessary. The applicant has made out a case for relief under Section 439 of Cr.P.C. Hence, following order:

a) In the event of arrest in connection with C.R. No.557 of 2023 registered with Wakad police station for offences punishable under Sections 307, 143, 144, 149 of IPC, Section 4(25) of Arms Act and Section 37(1)(3), 1(35) of Bombay Police Act, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 12th, 14th and 17th July, 2023

between 11:00 am to 2:00 pm thereafter, as and when called by the 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.

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

(AMIT BORKAR, J.)