

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.2083 OF 2023

Prashant Sakharam Aher	... Applicant
V/s.	
State of Maharashtra	... Respondent

Adv. Aniket Ujjwal Nikam a/w Adv. Aashish Satpute i/b
Adv. Amit R. Icham for the Applicant.

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

Mr. S.N. Jadhav, P.S.I. Aadgaon Police Station, Nashik
City.

CORAM : AMIT BORKAR, J.

DATED : 26 JULY, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.206/2022 registered with Aadgaon Police Station, Nashik for offences punishable under Sections 395, 397, 364-A, 324, 363 of Indian Penal Code, 1860.

2. The applicant is seeking relief under Section 438 of Code of Criminal Procedure, 1973. It is the case of the prosecution that the informant Gaurav Baban Suryawanshi working as a security guard on one construction side at Jatra Chouk. On 27.08.2022 while he was discharging his duty at 12.00 a.m. he found two to three unknown person were beating one person in-front of Punjab Dhaba at Jatra Hotel. The injured person escape from the custody

and ran away to save his life. These two persons chase him and caught him in-front of Shivneri Pan Stall, assaulted with wooden log, drag him forcefully towards Punjab Dhaba and taken forcefully in one Silver Colour Ertiga Car and ran away towards Aadgaon. One Motorcycle bearing No. MH-41-Q-7752 was lying there and he also found blood stain on road as well as one footwear. Based on these allegations which are detailed in the FIR, the respondent Police have registered the FIR against the accused person.

3. Applicant, therefore, filed application before the Session Judge which came to be rejected by order dated 15th June 2023.

4. On perusal of the supplementary statement of injured eye-witness, it appears that active role is attributed to rest of the accused except the applicant. This Court has already released co-accused Niranjan, Akash, and Datta. The applicant has no criminal antecedents to his discredit. Prima facie, the material on record, does not indicate active role of the applicant. Charge-sheet is already filed. Charge is filed against other co-accused persons. The investigation is already completed. The applicant has made out a case for released on bail. Hence following order;

a) In the event of arrest in connection with C.R. No.206/2022 registered with Aadgaon Police Station, Nashik for offences punishable under Sections 395, 397, 364-A, 324, 363 of Indian Penal Code, 1860, the applicant be released on bail on furnishing P.R. bond of Rs.50,000/- along with one or two sureties in the like amount.

- b) The applicant shall remain present before the Investigating Officer on 28th July 2023, 1st and 3rd August, 2023, between 11.00 a.m. to 2.p.m..
 - 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;
5. The Anticipatory Bail Application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)