



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

**ANTICIPATORY BAIL APPLICATION NO. 2187 OF 2023**

Sagar Ramdas Yelmane ...Applicant  
**Versus**  
State of Maharashtra and anr. ...Respondents

Mr. Rohan Kaiche, for the Applicant.  
Mr. M. G. Patil, APP for the State/Respondent.  
Mr. Nikhil Mallelwar, for Respondent No.2.

**CORAM: N. J. JAMADAR, J.**  
**DATED: 10<sup>th</sup> OCTOBER, 2023**

**ORDER:-**

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.135 of 2023, registered with Mhasrul Police Station, Nashik, for the offence punishable under Section 307 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant Saurabh Kadam lodged a report with the allegations that on 25<sup>th</sup> June, 2023 on Masrool – Makhmalabad link road the applicant and co-accused Sonu Dhatrak, Rohit Pagar and Pappu Ranmale had called him and the victim, Suraj, on the pretext of settling old dispute

and assaulted them by means of sticks and chopper. Dattu Shelar, one of the eye witnesses, was also allegedly assaulted by means of chopper.

4. The learned Counsel for the applicant submits that the applicant and the first informant have amicably resolved the dispute. The first informant Saurabh Kadam filed an affidavit on 21<sup>st</sup> August, 2023, giving consent to grant pre-arrest bail.

5. Today Suraj Charoskar, who had suffered injuries in the said occurrence, has also filed an affidavit.

6. The learned APP submitted that there are statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973, which implicate the applicant. It was submitted that the injured Suraj Charoskar has suffered grievous life threatening injuries. The antecedents of the applicant, according to the learned APP, indicate that the applicant has been habitually indulging in bodily offences. It was submitted that as many as six crimes have been registered against the applicant.

7. The learned Counsel for the applicant submitted in two of those crimes the applicant has been acquitted.

8. I have perused the allegations in the FIR lodged by Saurabh Kadam. He had reported that all the accused had assaulted the injured Suraj by means of sticks and chopper. In the statement of the injured Suraj Charoskar, however, the role of assault was attributed to the co-accused Sonu Dhatrak. In the statement of witness Amol Shelar also, the role of assaulting the said witness by means of fists and kick blows only is attributed to Sonu Dhatrak and the applicant, it seems that co-accused Pappu Ranmale and Rohit Pagar came at the scene of occurrence on the motorcycles and there were sticks and choppers with those accused. Thereafter, the injured and the first informant were allegedly assaulted.

9. Thus, at this stage, whether the applicant had unleashed the blows by means of chopper or stick, *prima facie*, appears to be debatable. That question would warrant trial.

10. In view of the above as a *prima facie* case is made out and the first informant and the injured have stated on affidavits that the applicant has not participated in the assault, I am inclined to exercise the discretion in favour of the applicant. The apprehension on the part of the

prosecution, especially arising out of antecedents of the applicant, can be taken care of by imposing conditions.

11. Hence the following order:

**: O R D E R :**

- (i) In the event of arrest of the applicant in CR No.135 of 2023, registered with Mhasrul Police Station, Nashik, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Mhasrool Police Station on 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> October, 2023 in between 10.00 am. to 1.00 pm. and as and when directed by the Investigating Officer.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall remain out of the limits of Nashik city for the period of six months except for the purpose of attending police station and proceedings before the jurisdictional Court.

- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]