



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2305 OF 2023

Rohan Harishchandra Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rajesh More, for Applicant.

Mr. N.B. Patil, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 23rd AUGUST, 2023

P.C.:-

- 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 C.R. No.640 of 2023, registered with Wakad police station, Pune, for the offences punishable under Sections 323, 392, 394, 395, 504 and 506 read with Section 34 of Indian Penal Code, 1860.
- 3) The first informant is working as a Manager with Rezim Vista Facilities Services Pvt. Ltd, Wakad. On 5th July, 2023 at

about 6.50 pm, three to four persons who had come in a Fortuner car accosted him. One of them identified himself as Bablu Jogdand, the President of the Mathiadi Workers Union. They assaulted him. While he made efforts to save himself from them, one of those assailants divested him of a gold ring and wristwatch. The first informant's brother Akash Wadiya came to his rescue. Akash was also assaulted.

4) The learned counsel for the applicant submits that the police had initially arrested four persons namely Ramakant Jogdand, Sameer Shaikh, Mayur Sarode and Karan Chavan. The property of which the first informant was allegedly robbed of has also been recovered. The applicant has been implicated on the basis of mere suspicion. There is no material to connect the applicant with the crime.

5) The learned APP, on the other hand, submitted that the video clip of the alleged incident was also recorded. Custodial interrogation of the applicant is necessary to establish his identity as one of the assailants. Evidently, in the FIR, the first informant stated that three to four persons had alighted from the Fortuner car and they assaulted him. Four of those persons were arrested.

- 6) Evidently, the stolen articles have also been recovered. At this stage, there is no material to *prima facie* connect the applicant with the crime.
- 7) In the circumstances, the applicant deserves the exercise of discretion.
- 8) Hence, the following order:-

9) ORDER

- I) The application stands allowed.
- II) In the event of the arrest of the applicant in connection with C.R. No.640 of 2023, registered with Wakad police station, Pune, for the offences punishable under Sections 323, 392, 394, 395, 504 and 506 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- III) The applicant shall co-operate with the investigation and attend Wakad police station on every Sunday between 10 am to 12 noon, for a period of one month.
- IV) The applicant shall also assist the police, in the event the Investigating Officer proposes to hold the Identification Parade.

V) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

VI) The application stands disposed.

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

[N. J. JAMADAR, J.]