

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

ANTICIPATORY BAIL APPLICATION NO. 2546 OF 2023

Subhash Shreenath Yadav	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Himanshu Singh a/w Mr. Rajendra P. Mishra, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

CORAM : N. J. JAMADAR, J.
DATE : 12th SEPTEMBER, 2023.

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PC.:

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. 317 of 2023 registered with Khadakpada Police Station, Thane City, for offences punishable under Sections 326, 323, 504 read with 34 of the Indian Penal Code, 1860.

3. The first informant was allegedly assaulted on the suspicion of having committed theft by the applicant and the co-accused. The allegations in the FIR attribute the role of assault by means of stump to co-accused Gorakh. The applicant allegedly assaulted the first informant by fist and kick blows.

4. The learned Counsel for the Applicant submits that co-accused Gorakh was arrested and released on bail.

5. I have perused the order releasing the co-accused on bail. Learned Magistrate has *inter alia* recorded that, the investigation is almost complete and nothing is to be recovered or discovered at the instance of the principal assailant.

6. In the backdrop of the nature of the accusation and the role attributed to the applicant in the alleged occurrence, the custodial interrogation of the applicant does not seem to be warranted I am, therefore, inclined to exercise the discretion in favour of the applicant.

Hence, following order:

ORDER

(i) In the event of arrest in C.R. No. 317 of 2023 registered with Khadakpada Police Station, Thane City, the applicant - Subhash Shreenath Yadav be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

(ii) The applicant shall co-operate with the investigation and attend Khadakpada Police Station on

every alternate Sunday in between 10.00 am to 01.00 pm for a period of one month.

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

(iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) Application stands disposed off.

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

(N. J. JAMADAR, J.)