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

ANTICIPATORY BAIL APPLICATION NO.2895/2022

KANCHAN MAHESH THAKUR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.4072/2022
IN
ANTICIPATORY BAIL APPLICATION NO.2895/2022**

HARDIK DAYANAND PATIL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. Niranjan Mundargi i/b. Mr. Harshman Chavan for the
applicant.
Mr. S. V. Gavand, APP for State.
Mr. Dhairyasheel Sutar i/b. Mr. Pratap Nimbalkar for the
intervener.
PSI Sandesh Rane, Virar Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 5, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the intervener.
- 2.** This is an application for pre-arrest bail. The offence alleged against the applicant is under Sections 436, 120-B of the Indian Penal Code, 1860 (hereafter 'IPC' for short) in

respect of First Information Report (FIR) No.406/2021 dated May 6, 2021 registered with Virar Police Station.

3. One Hardik Patil is the first informant. Three accused persons were arrested on May 31, 2021. It is the case of the prosecution that there was conspiracy to commit murder of the first informant and one burning petrol bottle was thrown towards the bungalow of the first informant by the accused persons. The bottle, however, landed near a tree resulting in damage to the grass and roots of the tree. It is alleged that the applicant is the friend of 'Sunny'. The motive alleged is that, Sunny suspected his wife to be having affair with the first informant, and the applicant being a friend of Sunny was helping him get even with the first informant. The applicant is supposed to be the main accused who conspired the entire episode. There are call detail records prior to, at the time and post the incident whereby the applicant was in contact with the accused nos. 1 to 3 who were involved in the actual commission of the offence. It is material to note that so far as one of the accused Raj Vasant Patil is concerned, the anticipatory bail

application filed by him was withdrawn on December 7, 2021. The materials, *prima facie*, would reveal that Raj Patil along with the applicant conspired in the commission of the offence.

4. Learned APP placed on record a Section 164 statement under Code of Criminal Procedure of one of the accused by name Mitul Rashmikanth Raval who stated that it is the applicant and Raj Patil who told the accused nos.1 to 3 to throw the burning bottle of petrol on the person of the first informant and murder him. Raj Patil has withdrawn the application filed by him for anticipatory bail. Pursuant to the registration of the FIR, the first informant has complained that he has received threats from the accused persons and fears for his life. The first informant has been provided with police protection. There are criminal antecedents reported against the applicant being FIR No.39/2010 for the offence punishable under Section 324 read with 34 of the IPC along with Arms Act and FIR No.56/2015 for the offence punishable under Sections 447, 427, 506 read with 34 of the IPC. The applicant has been acquitted in RCC

No.499/2010 in FIR No.31/2015 for the offence punishable under Sections 324, 143, 147, 148, 149, 417 read with 34 of the IPC along with Section 25(1-B) of the Arms Act. In this view of the matter, considering the gravity of the offence and the nature of the allegations, the application is rejected.

5. The interim application is also disposed of.

(M. S. KARNIK, J.)