

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2691 OF 2023

Chandresh Shreenath Yadav ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Rajendra Mishra, for the Applicant
Mrs. Geeta Mulekar, APP, for the Respondent/State.
Mr. Sachin Gawali, API, Khadakpada police station present.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 04, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 317 of 2023 registered at Khadakpada police station for the offences punishable under sections 326, 323, 504 read with 34 of 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 first information report 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 the co-accused Subhash was ordered to be released on pre-arrest bail by

this Court by an order dated 12th September, 2023 in ABA No. 2546 of 2023. The role attributed to the instant applicant is identical.

5. The learned APP submitted that there are eye witnesses to the occurrence and the act of assault by the applicant is recorded in the CCTV footage and video recording.

6. Prima facie, the allegations in the first information report do not attribute the role of assault by means of weapons to the applicant. The co-accused Gorakh allegedly assaulted the first informant by means of stump. Gorakh has been ordered to be released on bail. The role attributed to the applicant appears to be substantially similar to that of Subhash in whose favour the Court exercised the discretion.

7. 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.

8. In the backdrop of the nature of 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, the following order.

ORDER

1] In the event of arrest in C.R. No.317 of 2023 registered with Khadakpada police station, the applicant Chandresh 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.

2] The applicant shall cooperate with the investigation and attend Khadakpada police station, on every alternate Sunday in between 10 am to 1 pm till the next date.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant or any of the prosecution witnesses.

4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

Application disposed.

(N. J. JAMADAR, J.)