



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2790 OF 2023**

Onkar Anil Pal
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Ammar Nizam, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. N.S.Landge, PSI Khadakpada Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 6 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.377 of 2023 registered with Khadakpada Road Police Station, Kalyan initially for the offences punishable under Sections 323, 324, 504 read with Section 34 of the Indian Penal Code. Subsequently, Section 326 came to be added.
3. Mr. Dilip Sudam Gaikwad, first informant, lodged a report with the allegations that on 1 September 2023 at about 9.00 p.m., while he was crossing Gauripada Lake, three unknown persons who were riding motorcycle came from behind and assaulted him. One of them assaulted him by means of an iron bracelet. He sustained injury on the back of the head. The injury sustained by the first informant on the head was found to be grievous.

6. The learned Counsel for the Applicant submitted that the applicant has been falsely roped in. The person who assaulted the first informant has been granted regular bail by the learned Magistrate. Attention of the Court was invited to the remand report which indicates that Mr. Ashish Patil was the principal assailant, who gave blow by means of iron bracelet.

7. The learned APP, on the other hand, submitted that the presence of the applicant at the scene of occurrence and as assailant is captured in the CCTV footage. It was further submitted that the applicant is not residing at the address which was furnished before the Court of Session. In the event the applicant is granted pre-arrest bail, there is a strong possibility that the applicant may abscond as he has no fixed place of abode.

8. It appears that the first informant was assaulted in an incident of a road rage. The principal assailant was arrested and has since been released on bail. The grievous injury suffered by the first informant is not attributable to the applicant. The apprehension on the part of the prosecution can be taken care of by imposing certain conditions.

9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Onkar Anil Pal in connection with C.R.No.377 of 2023 registered with Khadakpada Road Police Station,

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 co-operate with the investigation and report to Khadakpada Road Police Station on 12th, 13th, 16th and 17th October 2023 in between 10.00 a.m. to 1.00 p.m.

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

(iv) The Applicant shall furnish documents showing his identity and permanent place of residence and contact details and intimate the change, if any, to the Investigation Officer.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

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

(vii) The application stands disposed.

(N.J.JAMADAR, J.)

