

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2828 OF 2023

Swaraj Jogendra Yashod ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Priyal Sarda, for the Applicant
Mr. M.G. Patil, APP, for the Respondent/State.
Mr. Ankush Navale, PSI, Khakurdi police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 09, 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.277 of 2023 registered at Vadner-Khakurdi police station initially for the offences punishable under sections 324, 323, 504 and 506 of Indian penal Code, 1860. Subsequently, the offences punishable under sections 307 and 326 of the Code seem to have been added.
3. The first informant lodged report with the allegations that on 20th August, 2023 while he and his friends were in front of Ambar Diary, Sanvidhan Nagar, Malegaon the child in conflict with law gave dash to the motor-cycle of the first informant. An altercation ensued. The child in conflict with law and the applicant and another

co-accused Akash allegedly caught hold of the first informant. The child in conflict with law assaulted the first informant by means of chopper like sharp edged weapon.

4. The learned counsel for the applicant submitted that the applicant has not been named in the first information report nor the applicant had played any role in the alleged assault on the first informant. It was submitted that CCTV footage does not show the presence of the applicant at the scene of occurrence.

5. The learned APP, submitted that the statement of the child in conflict with law reveals that the applicant was also present at the scene of occurrence. Prima facie, it does not appear that the applicant was armed with any weapon or assaulted the first informant. The panchanama of the CCTV footage also does not indicate the presence of the applicant at the scene of occurrence.

6. At any rate, the question as to whether the applicant shared the common intention to attempt to commit murder of the first informant would warrant adjudication. In view of above, I am impelled to exercise the discretion in favour of the applicant.

7. In the event of arrest in C.R. No. 277 of 2023 registered with Vadner-Khkurdi police station, the applicant Swaraj Jogendra Yashod 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.

8. The applicant shall cooperate with the investigation and attend Vadner Khakurdi police station, on 16th, 17th and 18th October, 2023 in between 10 am to 1 pm and thereafter as and when directed by the investigating officer.
9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
10. The applicant shall furnish his address and contact details to the investigating officer and intimate change if any.
11. The applicant shall attend proceedings before the jurisdictional Court regularly.
12. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application stand disposed.

(N. J. JAMADAR, J.)