



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2855 OF 2023**

Mahesh Rakesh Singh	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Kunal Jha, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. S.R.Salunkhe, PSI, Kurar Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 11 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.386 of 2023 registered with Samata Nagar Police Station for the offences punishable under Sections 326, 341, 143, 144, 147, 148, 149, 323, 504 and 506 of IPC.
3. The first informant lodged a report with the allegations that on 6 June 2023 in front of Jain Derasar, he was assaulted by 7 unknown persons as he had lodged a complaint about the encroachment over Mumbai Municipal Corporation ground. The first informant had furnished particular description of two assailants. Five of the assailants were described generally.
4. The learned Counsel for the Applicant submitted that the assailants surrendered before the Court, and they have been released on bail. The Applicant was

served with a notice under Section 41A of the Code of Criminal Procedure, 1973 after 21 days of the registration of the FIR.

5. Prima facie, there is no material to connect the applicant with the alleged offences. FIR was evidently lodged against unknown assailants. It does not appear that there is any material to establish the nexus of the applicant with the offences for which he has been arraigned.

6. The applicant appears to have roots in Society and possibility of fleeing away from justice seems to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

6. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Mahesh Rakesh Singh in connection with C.R.No.386 of 2023 registered with Samata Nagar 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 Samata Nagar Police Station on 19th, 20th and 21st 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 any of the prosecution witnesses and the persons

acquainted with the facts of the case.

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

(v) The application stands disposed.

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

(N.J.JAMADAR, J.)