



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

ANTICIPATORY BAIL APPLICATION NO. 2901 OF 2023

Gulabchandra s/o Shreenath Yadav	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. D. K. Pradhan, for the Applicant.
Mr. M. G. Patil, APP for the State/Respondent.
PSI A. A. Pawar, Khadakpada Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 18th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.317 of 2023, registered with Khadakpada Police Station, Thane, for the offences punishable under Sections 326, 323 and 504 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
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 FIR 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 co-accused Gorakh was arrested and released on bail.

5. 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.

6. In the backdrop of the nature of the 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.

7. Hence, the following order:

: O R D E R :

(i) In the event of arrest in C.R. No. 317 of 2023 registered with Khadakpada Police Station, Thane City, the applicant 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.

- (ii) The applicant shall co-operate with the investigation and attend Khadakpada Police Station on on 30th and 31st October, 2023 in between 10.00 am to 01.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the person acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed off.

[N. J. JAMADAR, J.]