

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3030 OF 2023

Praveen Yashwant Bhoir ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Pandit Kasar, for the Applicant
Mr. S.H. Yadav, APP, for the Respondent/State.
Mr. Bhaskar Jadhav, API, LCB., Thane police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 30, 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. 53 of 2020 registered at Kasara police station for offences punishable under sections 307, 326, 323, 143, 147, 148, 149, 452, 427, 504 and 506 of Indian penal Code, 1860.

3. On 6th May, 2020 the first informant Kiran Vekhande was initially assaulted by accused Sagar Bhoir and Naresh Bhoir. They were allegedly armed with swords. They gave blows by means of sword on the head and left hand of the first informant. As the first informant raised alarm, his family members and relatives came to his rescue. Thereupon, the co-accused, in all 27, came thereat and formed an unlawful assembly and in prosecution of the common object of the said unlawful assembly assaulted the first informant,

his family members and relatives. A number of persons were injured in the said occurrence.

4. The learned counsel for the applicant submitted that all the co-accused have been released either on bail or pre-arrest bail. The learned counsel invited the attention of the Court to an order dated 27th September, 2023 in ABA No. 2721 of 2023 whereby the co-accused Rajesh Bhoir was granted pre-arrest bail by this Court. It was submitted that no role of assault has been attributed to the applicant.

5. The learned APP, invited attention of the Court to the statements of Shantaram Wekhande and Gurunath Wekhande. Both the witnesses who claimed to have sustained injuries in the said occurrence, have stated that the applicant was one of the members of the unlawful assembly and was also armed with sword.

6. It is imperative to note that none of the witnesses have alleged that the applicant assaulted any of the injured by means of the sword. In fact, no role of assault has been attributed to the applicant. Whether the applicant shared common object of attempt to commit murder of the first informant and the other injured, where the allegations are of mammoth rioting, would be a matter for trial. Investigation is complete for all intent and purpose. Charge sheet has been lodged. At this distinct point of time, the custodial

interrogation of the applicant does not seem warranted. Possibility of fleeing away from justice also appears to be remote.

7. In the event of arrest in C.R. No. 53 of 2020 registered at Kasara police station, 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.

8. The applicant shall cooperate with the investigation and attend Kasara police station, on 8th and 9th November, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

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 regularly attend the proceedings before the jurisdictional Court.

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

Application disposed.

(N. J. JAMADAR, J.)