

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

ANTICIPATORY BAIL APPLICATION NO. 3138 OF 2023

Prakash Shivaji Gaikwad and Others ...Applicants

Vs.

The State of Maharashtra ...Respondent

Ms. Seema S. Dighe h/f Priyal Sarda, for Applicants.

Mr. S. H. Yadav, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 4th NOVEMBER, 2023

PC:-

1) Heard the learned counsel for the applicants and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 61 of 2023, registered with Sadar Bazar Police Station, Solapur for the offences punishable under Sections 143, 147, 149, 307 and 506 of Indian Penal Code, 1860 ("the Penal Code"), Section 25 read with Section 4 of Arms Act, 1959 and Section 135 of Maharashtra Police Act, 1951.

3) The first informant had lodged a report with the allegations that on 26th January, 2023, while the first informant and the

injured – Amol were riding a bullet motorcycle on their way to settlement colony, the assailants had accosted them. Thereafter, the assailants, who had covered their faces with mask, assaulted them by means of sword, kick and fist blows.

4) The learned Counsel for the applicants submitted that the FIR was lodged against unknown persons and there is nothing to connect the applicant with the alleged offence. Attention of the Court was invited to an order dated 17th July, 2023 passed in ABA No.1961 of 2023, whereby the co-accused was initially granted interim protection and by a further order dated 31st July, 2023, the said order was made absolute.

5) Evidently, FIR was lodged against unknown assailants, who were wearing masks. Prima facie, the applicant appears to be placed in similar circumstance as the applicant in ABA No. 1961 of 2023. Hence, the application stands allowed.

6) Thus, the following order:-

ORDER

I) The application stands allowed.

II) In the event of arrest of the applicants in connection with C.R. No. 61 of 2023, registered with Sadar Bazar Police Station, Solapur for the offences punishable under

Sections 143, 147, 149, 307 and 506 of Indian Penal Code, 1860, Section 25 read with Section 4 of Arms Act, 1959 and Section 135 of Maharashtra Police Act, 1951, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount.

II) The applicants shall co-operate with the investigation and attend Sadar Bazar police station on 9th and 10th November, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by the Investigating Officer.

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

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

V) The application stands disposed.

[N. J. JAMADAR, J.]