

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3172 OF 2023

Paul Raju John ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Sujit Alhat, for the Applicant

Mr. S.H. Yadav, APP, for the Respondent/State.

Mr. S.O. Naik-Nimbalkar, PSI, Wakad police station.

CORAM : N. J. JAMADAR, J.

DATE : NOVEMBER 8, 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. 425 of 2023 registered at Wakad police station for the offences punishable under sections 323, 324 and 504 read with 34 of Indian penal Code, 1860.

3. The first informant lodged the report with the allegations that 1st May, 2023 at about 5.00 pm a person boarding in Wagonr car inquired with him about snacks stall in a rude manner. An altercation ensued. Four persons alighted from the said car and started assaulting the first informant by means of fist and kick blows. One of the assailants assaulted him by means of knife on his back and head.

4. The learned counsel for the applicant submitted that the rest of the accused were arrested and have since been released on bail. No role of assault by means of knife has been attributed to the applicant.

5. The learned APP submitted that the applicant was boarding the said vehicle. The applicant has also participated in the assault perpetrated on the first informant. However, the applicant had not assaulted the first informant by means of knife.

6. Prima facie, it appears that the incident occurred in the spur of the moment. There was no pre-meditation. A sudden altercation ensued over rude and improper behaviour. In the circumstances, whether the applicant shared the common intention to commit culpable homicide, with the assailant who had assaulted the first informant by means of knife, is a matter for adjudication. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. In the event of arrest in C.R. No. 425 of 2023 registered with Wakad 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 Wakad police station, on 20th, 21st and 22nd 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.)