



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2323 OF 2023**

Shivanand Jagdevappa Birajdar

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Rahul Khot, for Applicant.

Smt. Mahalaxmi Ganpathy, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 24 JULY 2024

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.236 of 2023 registered with Umadi Police Station for the offences punishable under Sections 307, 326, 323, 50-4, 506, 427 read with Section 34 of the Indian Penal Code, 1860.

3. By an order dated 28 August 2023, this Court has granted interim bail to the applicant. It was noted that the role attributed to the applicant was that of being unknown assailant, who had thrown chilly powder on the face of the first informant.

4. Learned Counsel for the Applicant submits that the principal accused was arrested and has since been released on bail. Chargesheet has been lodged.

5. In view of the aforesaid development, and the question as to whether the applicant was the unknown person, who had thrown chilly powder, being a matter for

adjudication at the trial, I am inclined to make the order of interim bail absolute.

6. Hence, the order of interim bail dated 28 August 2023 is made absolute on the terms and conditions incorporated therein.

7. In addition, the applicant shall attend the proceedings before the jurisdictional Court.

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

Application disposed.

(N.J.JAMADAR, J.)