

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

ANTICIPATORY BAIL APPLICATION NO. 2939 OF 2024

Danaji Govind Masugade

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Swapnil R. Chopade a/w Mr. Vijay Jadhav & Adv. Vaibhav S. Dhainje for the Applicant.

Ms Shilpa Talhar, APP for Respondent-State

Mr. N. T. Ballal, Natepute Police Station, Solapur Gramin present.

CORAM : M. M. SATHAYE, J.

**DATED : 29 OCTOBER 2024
(Vacation Court)**

P.C.:

1. This is an Application for pre-arrest bail by the Applicant in connection with the Crime No. 249/2024 registered with Natepute Police Station for the offences punishable u/s. 118(1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 190, 324(4) of the Bharatiya Nyaya Sanhita, 2023 (for short “the BNS”).

2. Heard learned Counsel for the Applicant/Accused and learned APP for the Respondent -State.

3. Perusal of the FIR dated 31/07/2024 by the informant Mr. Akash Shamrao Kapse shows that the incident has happened on the date of filing of the FIR itself initially at 10.30AM. It is the allegation that the Applicant/Accused with common objective of unlawful assembly, assaulted the informant and his maternal brother – Shivam and threatened to kill him.

Thereafter, at 11.00AM it is the case that, the Applicant returned with reinforcement in the form of other accused persons and again assaulted the informant. It is contended that at the time of second incident, Applicant - Danaji Masugade with a stick in his hand, assaulted the informant on head and when the other accused held the hands of the Complainant, the present Applicant tried to strangle him.

4. I have perused the order of the Additional Sessions Judge, Malshiras dated 07/10/2024 by which the pre-arrest bail of the Applicant is rejected. Perusal of the order shows that the present Applicant is the main accused. The investigation officer has given a list of crimes stating that the Applicant is a habitual offender and there is likelihood of pressurizing both the informant and prosecution witnesses, if Applicant is released on bail. The role of the Applicant is specific. It is held that the Applicant has played aggressive role in the crime. The earlier crimes registered against the Applicant includes a crime under the Arms Act also. Though the learned Counsel for the Applicant submitted that the recovery of the motorcycle has already taken place, the said fact is disputed by the learned APP, on instructions from the concerned Investigating Officer.

5. Considering the aforesaid facts and circumstances and also the antecedents, in my opinion, no case is made out for grant of Anticipatory Bail.

6. The Application is accordingly rejected.

(M. M. SATHAYE, J.)