



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3070 OF 2024

- 1] Nagesh Nivas Patil.
Age 45 years, Occu: Agriculture.
- 2] Balkrishna @ Balkya Rajaram Patil.
Age 60 years, Occu: Agriculture.
- 3] Manoj @ Dagdya Balkrishna @ Balkya Patil.
Age 26 years, Occu: Agriculture.
- 4] Avinash Balu Patil.
Age 52 years, Occu: Agriculture.
All above 1 to 4 are residing at
Village Kale, Tal : Karad, Dist. Satara. ...Applicants.

Versus

State of Maharashtra. ...Respondent.

Mr. Chandrakant Yadav for the Applicants.
Mr. A. S. Gawai, APP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 29, 2024.

P. C. :

1. By this application filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 [for short "**BNS**"], the Applicants are seeking pre-arrest bail in connection with FIR No. 664/2024 registered with Karad Taluka Police Station under Sections 115(2), 126(2), 310(2) and 324(4) of Bharatiya Nyay Sanhita, 2023.
2. The case of the prosecution *qua* the present Applicants is that

the Applicants, who are arraigned as Accused Nos.1, 5, 6 and 7 in the FIR, obstructed the vehicle of complainant, assaulted him and forcibly took away his mobile phone.

3. Heard learned counsel appearing for the Applicants and learned APP for the Respondent-State.

4. Learned counsel appearing for the Applicants would submit that even if the case in FIR is taken at its face value, the same does not spell out the ingredients of Section 310(2) of BNS. He has taken this Court through the allegations in FIR and would submit that except Section 310(2) of BNS, other offences are bailable offences. He submits that the incident had taken place during Navratri festival and the photographs placed on record would show that the complainant himself was armed. He submits that the complainant is serving as Assistant Sub Inspector in the office of Commissioner of Police at Thane. He submits that other accused in the same FIR, who are alleged to have participated in the assault, have been granted pre-arrest bail by this Court. He submits that the Applicants are ready to co-operate with the investigation and there is no need for custodial interrogation.

5. *Per contra* learned APP submits that as far as other accused persons who are granted pre-arrest bail are concerned, their role is different and in the case of present Applicants, the informant has specifically stated that the present Applicants had obstructed the car

and snatched his mobile phone.

6. I have considered the submissions and perused the record.

7. Upon perusal of the FIR, case of the prosecution appears to be that when the complainant tried to video-record the incident, the Applicants have taken away his mobile phone. *Prima facie*, upon reading of the FIR it does not appear that the ingredients of Section 310(2) of BNS are made out. Moreover, the photographs placed on record show that the complainant was armed with an axe and sickle and was moving around the vicinity. It is also not demonstrated that any weapon has been used in the assault and there is no injury certificate on record. Some of the Accused in the FIR, alleged to have participated in the assault, have been granted pre-arrest bail. No case for custodial interrogation is made out.

8. In the light of above, the Applicants are entitled to pre-arrest bail in connection with FIR No.664 of 2024 registered with Karad Taluka Police Station and are hereby granted pre-arrest bail on the following terms and conditions :

- [a] In event of arrest, Applicants be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount.
- [b] Applicants to attend the concerned Police Station on 2nd December 2024 at 11.00 a.m. and thereafter as and when called.

[c] Applicants not to offer any inducement or threaten any of the witnesses or tamper with the evidence.

9. Application is allowed in above terms.

[Sharmila U. Deshmukh, J.]