

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

ANTICIPATORY BAIL APPLICATION NO.104 OF 2024

Rohit Rajaramsingh Khushawa Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Ammar I. Nizami a/w Hamzah Kazi a/w Hasan Nizami, Advocate for Applicant.
- Ms. Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.706/2023, dated 13/12/2023, registered with Mahatma Phule Police Station, Thane City, under sections 143, 147, 149, 394, 341, 504, 506 of the Indian Penal Code, under sections 25 & 4 of the Arms Act and under sections 37(1) and 135 of the Maharashtra Police Act.

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2. Heard Mr. Ammar I. Nizami, learned counsel for the

Applicant and Ms. Sharmila S. Kaushik, learned APP for the State.

3. The FIR is lodged by one Nikhil Nagore. He has stated that on 12/12/2023 at about 06.30 p.m. he was coming back from Pune to Kalyan in a car. He was accompanied by 7 to 8 friends on two wheelers. They were bringing the informant's friend after his release from Yerwada prison. When they reached a lane in Kalyan, the accused Chandan and Rohit Soni intercepted their car. Chetan Bhadoriya abused Shanu Shaikh. Both Rohit Soni and Chandan started abusing the informant. In between Chandan's friends came there. They were about 8 to 10 in number. They were having wooden sticks. Shanu ran away. The informant was trying to run away, but he was chased by Rohit Soni and Chandan. Out of them Chandan removed Rs.2,630/- from the informant. Rohit Soni wielded a weapon. Their friends assaulted the informant with some weapon, then he ran away. On this basis, the FIR was lodged.

4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. The FIR specifically names a few persons. The FIR mentions Rohit Soni and Rohit Singh, but the Applicant's name is Rohit Khushawa. He is not named in the FIR. The incident is not that serious. Therefore, on this vague allegation, the Applicant's custody is not necessary.
5. Learned APP produced the investigation papers before me. He submitted that the Applicant's name transpired in the supplementary statement of the first informant and of the eyewitness recorded on 14/12/2023. She submitted that the informant had not gone to any Doctor. Therefore, there is no medical certificate available regarding his possible injuries.
6. I have considered these submissions. As rightly submitted by learned counsel for the Applicant, his name is not named in the FIR. On the next day of lodging of the FIR i.e. on 14/12/2023, the informant for the first time, referred to the Applicant's name and there again no role of assault is attributed

to him. The incident is dated 12/12/2023. The FIR is lodged on 13/12/2023, i.e. in the midnight between 12/12/2023 and 13/12/2023 and the supplementary statement of the informant was recorded on 14/12/2023. At this stage, there is scope to believe that the Applicant's name is involved as an afterthought. The other eyewitness Sajid has also named the Applicant, but his statement is recorded on 14/12/2023. The allegations are vague. There is no corroborating medical certificate. Considering all these circumstances, the Applicant can be protected u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.706/2023, dated 13/12/2023, registered with Mahatma Phule Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station once a week till filing of the charge-sheet and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)