

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

ANTICIPATORY BAIL APPLICATION NO. 754 OF 2024

Sushant Shantaram Nathe

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Aniket Vagal a/w. Kunal N. Pednekar, Divesh Mehani and Savvy Kolhekar for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 27 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.49 of 2024 registered at Adgaon Police Station, Nashik city, on 20.02.2024, under sections 141, 143, 148, 308, 323, 504, 506 and 427 of the Indian Penal Code and U/s.135 of the Maharashtra Police Act.

2. Heard Mr. Aniket Vagal, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Karan Thobre. He has stated that on 19.02.2024, the accused Nikhil Shejwal and Aditya Patole

approached him and started beating him. They started abusing him on account of previous enmity between them. They had a sharp weapon. The informant ran away towards his house. They followed him. At that time, they called their other associates namely Tushar Sawant, Nayan Shejwal, Manish Shejwal and the present applicant. The F.I.R. thereafter mentions that, all of them came towards the informant's house and started pelting stones. They damaged one four wheeler. They shouted threats against the people in the locality. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, on bare reading of the F.I.R. it is clear that the offence U/s.308 of the I.P.C. is not made out; particularly, against the present applicant. All other offences are bailable.

5. Learned APP opposed granting protection to the applicant. She submitted that the applicant was involved in another offence i.e. C.R.No.134 of 2022 registered at the same Adgaon police station, Nashik, under section 307 of the I.P.C. and this Court (Coram: Amit Borkar, J.) had granted bail to him vide

the order dated 20.07.2023 passed in Bail Application No.628 of 2023. In that order, specific condition was imposed on him that, during pendency of the trial, the applicant shall not enter Nashik District, save and except to attend the trial. She submitted that the applicant has breached this condition, as can be seen from the F.I.R. in this case. He had entered Nashik district and he has committed this offence.

6. I have considered these submissions. As far as present F.I.R. is concerned, as rightly submitted by the learned counsel for the applicant, the offence U/s.308 of the I.P.C. is not made out against the present applicant. The other allegations against him are in respect of bailable offences. Therefore, he cannot be denied protection U/s.438 of the Cr.p.c. However, it is also apparent that, he has breached the conditions imposed by this Court in the aforesaid order in another offence. Therefore, the prosecuting agency can definitely take steps in filing proper application in that behalf, in accordance with law.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.49 of 2024 registered at Adgaon Police Station, Nashik city, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)