

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

ANTICIPATORY BAIL APPLICATION NO.788 OF 2024

Rohit Rameshchandra Pandey Applicant
Versus
The State of Maharashtra Respondent

Mr. Nilesh Pawaskar, Advocate for the Applicant.
Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.441/2022 registered at Boisar Police Station, District-Palghar on 15.10.2022 under sections 395, 308, 341, 323, 504, 506, 427 of IPC and under Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.

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2. Heard Mr. Nilesh Pawaskar, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Vikas Shukla. He was an Advocate. He has stated that on 14.10.2022 he along with his friend Vivek Wade and Sachin Wade had gone to village Man-Warangade to attend the work in the Wadi. They were returning back at around mid-night on 15.10.2022. When they had reached Man Dhodipada one motorcycle and one Swift Desire Car overtook them and intercepted their car. One Rahul Patil, his brother and the present Applicant got down from the Swift Desire. One more unknown person got down from the Swift Desire car and he gave a blow on the windscreen of the informant's car where the informant was sitting. The informant was pulled out of the car and was assaulted. About 20 to 25 persons had gathered at the spot. Rahul Patil was telling them to kill the informant. It is specifically mentioned in the FIR that the Applicant removed a gold-chain worth Rs.50,000/-, one expensive mobile phone and Rs.5,000/- and

the keys of another car from the informant. Somebody from the mob gave a blow with stick on the informant's head. The Applicant also assaulted the informant. Somehow the mob went away and after that this FIR is lodged. The FIR mentions that the informant had helped the accused Rahul Patil in the Grampanchayat election five years ago but in the year 2022 the informant had not helped him and because of that grudge this incident had taken place wherein the informant was assaulted.

4. Learned counsel for the Applicant submitted that the Applicant was not absconding but he had gone to native place to attend to his old father who was suffering from cancer and who ultimately passed away. He submitted that the Applicant is a businessman and he is wrongly and falsely implicated in the present case. The Applicant has not taken away any articles from the informant. The charge-sheet is also filed. The Applicant's custodial interrogation will serve no purpose. The incident is not as serious as is alleged in the FIR. The injuries suffered by the informant are not serious.

5. Learned APP opposed these submissions. She relied on the statements in the charge-sheet and the injury certificate as well as the panchnama.

6. I have considered these submissions. The medical certificate shows that the informant had suffered four injuries. There was one contusion on periorbital area i.e. on the face. Another contusion was on the head. One more contusion was on the arm and there was one abrasion on the fore-arm. Those injuries were described as simple injuries. However, those injuries support the case of the informant that he was assaulted and multiple blows were given to him with hard and blunt object. Apart from that there is a panchanama of the car which shows that the windscreen of the car was broken. This is another corroboration to the first informant's statement in the FIR. Besides that there are statements of other passengers in the car i.e. Vivek Wade and Sachin Wade. They have substantially corroborated the allegations in the FIR.

7. Considering all these statements and the panchnama as well as the injury certificate there is sufficient

corroboration to the allegations in the FIR. The offence is serious because it has taken place on the road in the middle of the night. A mob of 20 to 25 persons had gathered and committed this offence. Therefore, considering the seriousness and gravity of the offence, the Applicant cannot be protected under section 438 of Cr.P.C.. The Application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)