

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1341 OF 2024

Joel Babu Shekar ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Navesh Shamnani (through VC) a/w. Ms. Minal Chandnani and Ms. Urusah
M. I. i/b. Jaiwant S. Chandnani & Associates for Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 16, 2024

P.C. :

. Heard Mr. Shamnani, learned counsel for the applicant and
Mr. Shinde, learned APP for the respondent-State.

2. On the last occasion, the application was adjourned with a
direction to the applicant to appear before the investigating officer as
there was lack of clarity about the applicant having co-operated with the
investigation. The applicant has been enjoying interim order in his
favour since 17.05.2024.

3. The learned APP submits that on 09.10.2024, the applicant did
appear before the investigating officer. But thereafter, although he was
called, he did not appear. This is disputed by the learned counsel for the
applicant.

4. Be that as it may, this Court has heard the learned counsel for the
applicant as well as the learned APP, on the merits of the matter.

5. The applicant, in the present case, is apprehending arrest in
connection with FIR No.1038 of 2022 dated 29.10.2022, registered with

Hinjwadi Police Station, District - Pimpri Chinchwad, for offences under Section 326 read with Section 34 of the Indian Penal Code, 1860 (IPC).

6. A perusal of the statement leading to registration of the FIR shows that the informant as well as another person suffered injuries in the incident. The applicant was not named in the FIR and two co-accused persons were named along with two unknown persons.

7. A perusal of the statement of the informant shows that the two named accused persons have been attributed the role of having used weapons in the form of steel rod and wooden stick for carrying out the assault, while the only allegation against the two unknown persons is that, they also joined the assault and in the process, they assaulted the victims by way of fists and kicks.

8. At worst, the allegation against the applicant is of having participated in the assault and having beaten the victims by way of fists and kicks. The injury reports show that the victims suffered injuries due to the assault carried out by means of steel rod. It is an admitted position that both the named accused persons were arrested and recoveries are also made. They have been granted regular bail.

9. This Court granted interim order in favour of the applicant on 17.05.2024 and there is material to show that the applicant has even appeared before the investigating officer recently. He undertakes to continue to co-operate with the investigation.

10. Considering the limited role attributed to the unknown persons in the present case, and the fact that the applicant was not named in the FIR, thereby indicating that the worst case scenario against him could be assault by means of fists and kicks, this Court is inclined to allow this application.

11. In view of the above, the interim order dated 17.05.2024 is confirmed and the application is allowed.

12. The applicant shall continue to co-operate with the investigation. He shall not tamper with the evidence and he shall not influence the informant, witnesses or any other persons concerned with the case.

13. The application is disposed of accordingly.

(MANISH PITALE, J.)

Minal Parab