

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1402 OF 2024

Sameer @ Chingya Ashok Tengle
Deepak Baban Tangale
Aniket Sanjay Durgule ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Prashant S. Hagare for Applicants.
Mr. Balraj Balkrishna Kulkarni, APP for Respondent-State.
Mr. S. V. Chavan, API, Yavat Police Station.

CORAM : MANISH PITALE, J.
DATE : JUNE 11, 2024

P.C. :

. By this application, the applicants have approached this Court seeking protection as they apprehend arrest in connection with FIR dated 25.03.2024 registered in Yavat Police Station, District - Pune. There are five accused persons in the present case and the applicants before this Court are accused Nos.3, 4 and 5.

2. At the outset, learned counsel for the applicant informs this Court that accused Nos.1 and 2 have been granted regular bail. He submits that there are specific allegations against accused Nos.1 and 2, including an allegation that the accused No.2 had used sickle while assaulting the victim and yet they have been granted regular bail. It is further submitted that the applicants were not specifically named in the statements, which led to registration of the FIR and that therefore, this Court may consider allowing the present application as the applicants undertake to co-operate with the investigation.

3. On the other hand, learned APP informs this Court that in the supplementary statement of the informant, the applicants have been specifically named and in any case, in the statement leading to registration of the FIR, the victim has indeed stated that persons, whose names he was not aware of, were involved in the assault inflicted upon him. He further submits that accused Nos.1 and 2 have been granted regular bail and the said factor cannot inure to the benefit of the applicants, who are seeking anticipatory bail. This Court is further informed that the applicants have criminal antecedents as there are offences registered against them indicating that they are habitual offenders. It is also brought to the notice of this Court that the Court of Additional Sessions Judge, Baramati, while dismissing the applications of the applicants for grant of anticipatory bail, by order dated 23.04.2024 specifically took into consideration the criminal antecedents of the applicants.

4. This Court has perused the material available on record. The applicants are accused persons for offences registered under Sections 308, 326, 323, 504, 506, 143, 147 and 148 of the Indian Penal Code, 1860 (IPC). A perusal of the statement leading to registration of the FIR indeed shows that the informant / victim suffered a violent assault. In the supplementary statement, the victim has specifically named the applicants, as he was not aware of their names when the incident had taken place. Nonetheless, the victim has attributed specific role to such persons in the statement made before the police.

5. The presence of the applicants *prima facie* is established by the material on record. Since accused Nos.1 and 2 have been granted regular bail, the considerations are materially different from the considerations relevant for the present application wherein the applicants are seeking anticipatory bail.

6. It is relevant that the applicants have criminal antecedents and therefore, this Court is not inclined to favourably consider the prayer made in the present application. It would be necessary for the investigating authority to take such steps as it thinks necessary for a complete and proper investigation into the present matter.

7. In view of the above, the application is dismissed.

(MANISH PITALE, J.)

Minal Parab