

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

Anticipatory Bail Application No.1524 of 2024

Kalpesh Namdev Bhoir ... Applicant.
Age :25 Years, Occ: Agriculturist,
Resident of Dhamani (Talekhan)
Tal-Shahapur, Dist-Thane,
Versus

The State of Maharashtra
(through Shahapur Police Station) ... Respondent

Coram : R. N. Laddha, J.

Date : 14 June 2024.

P.C. :-

Heard Mr Ameya Pitale, the learned Counsel appearing on behalf of the applicant, and Ms Rajeshree Newton, the learned Additional Public Prosecutor appearing on behalf of the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicants, who are apprehending arrest in CR No.153 of 2023, registered at Shahapur Police Station, Thane Rural, for offences punishable under Sections 143, 147, 148, 149, 323, 324, 326, and 504 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant and the co-accused formed an unlawful assembly and assaulted the first informant by chopper, iron rod, wooden stick and stones.

4. Learned Counsel for the applicant submits that there were cross FIRs filed concerning the incident, with the applicant's FIR being filed first in time. It is contended that in retaliation to the applicant's FIR, first informant filed a false complaint against the applicant. Furthermore, it is pointed out that anticipatory bail has already been granted to all co-accused by the learned Sessions Court. The learned Counsel asserts that the custodial interrogation is unnecessary since the alleged weapons involved in the crime have been recovered and a charge sheet was filed.

5. Learned APP informs the Court that a chargesheet has already been filed in the trial court on 29.07.2023 and nothing is remained to be recovered from the applicant.

6. After reviewing the records, it is apparent that the investigation complete and there is nothing further to be recovered from the applicant. The iron rod, which the applicant is accused of using in the offence, has already being

recovered. The Sessions Court has granted anticipatory bail to all the co-accused. In such circumstances, the custodial interrogation is unwarranted. Accordingly the present application is allowed on the following terms.

(i) In the event of the applicant's arrest in CR No.153 of 2023, registered at Shahapur Police Station, Thane Rural, he shall be released on bail, upon furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall not himself or through any other person indulge in any activity that would tamper with the evidence or influence the witnesses and shall cooperation the trial Court for the expeditious disposal of the case.

7. The application stands disposed of accordingly.

[R. N. Laddha, J.]