

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

ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2024

Mayur Dattatray Markad & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Amit Icham, for Applicants.
- Mr. Prasanna Malshe, APP for the State.
- Mr. Dilip Shukla a/w Mr. Vikas Kumbhar and Ms. Shruti Kumbhar, for Informant / Complainant.
- Mr. Rajesh Usgaonkar, API, Kondhwa Police Station.

CORAM : MANISH PITALE, J.

DATE : 20th JUNE, 2024.

P. C. :

1. Heard, Mr. Amit Icham, learned counsel for the applicants, Mr. Prasanna Malshe, learned APP for the State and Mr. Dilip Shukla, learned counsel having instructions to appear on behalf of the informant.

2. The applicants apprehend arrest in connection with First Information Report No.0474 of 2024, dated 26th April, 2024, registered at Police Station Kondhwa, Dist. Pune, for the offences under Sections 323, 324 and 504 read with 34 of the Indian Penal Code (IPC), under Section 4(25) of the Arms Act and under Sections 37(1) read with 135 of the Maharashtra Police Act.

3. There are four accused persons. All of them had applied for anticipatory bail before the Sessions Court, but their application was

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dismissed. Only two of the accused persons i.e. the applicants before this Court have filed the present application.

4. As per the statement of the informant, one of the accused persons was riding a two-wheeler in a rash manner and when the informant told him to drive properly, he started abusing the informant and also started beating him. At this stage, it is alleged that three friends of the said accused persons, including the applicants before this Court reached the place and started assaulting the informant. The informant has described the roles of the accused persons, including the applicants before this Court, on the basis of which the aforementioned offences have been registered.

5. Mr. Amit Icham, learned counsel for the applicants submits that all the offences registered against the applicant, except offence under Section 25 of the Arms Act, 1959, are bailable. It is submitted that the applicants are young boys and they have no criminal antecedents, further stating that they are ready to cooperate with the investigation. On this basis, it is submitted that this Court may consider allowing the present application.

6. On the other hand, Mr. Prasanna Malshe, learned APP submits that the manner in which the accused persons, including the applicants, assaulted the informant in the backdrop of a petty dispute, shows the propensity of the applicants of indulging in violence. As against applicant

No.1, specific allegation is made about use of sharp weapon causing injury to the friend of the informant and the presence as well as role of applicant No.2 has been elaborately stated. It is further submitted that the statement of an eye witness is also recorded, who has corroborated the version of the informant, thereby demonstrating the active role of the applicants in the incident in question.

7. Attention of this Court is also invited to an Instagram story featuring the applicants with others, indicating their attitude and scant regard for law. It is submitted that if such young boys, having propensity of violence, are granted relief, it may lead to further complications and even harassment of the informant and the other victim.

8. Mr. Dilip Shukla, learned counsel having instructions to appear on behalf of the informant supports the submissions made by the learned APP and further informed this Court that the other two accused persons have criminal antecedents. This is confirmed by the learned APP by informing this Court that there are two FIRs each registered against the co-accused persons for serious offences.

9. This Court has given thoughtful consideration to the present application. At first blush, the contention raised on behalf of the applicants appeared to be impressive, but on an overall appreciation of the material

brought to the notice of this Court, it is found that no case is made out for granting anticipatory bail.

10. The informant has specifically stated the role of both the applicants before this Court about their presence as well as the manner in which they assaulted the informant and the other victim. As against applicant No.1 there is a specific allegation of use of sharp weapon causing injury near the eye of the other victim and there are specific allegations as regards the manner in which both the applicants assaulted the victims. There is nothing to indicate that this can be said to be a case of false implication. The attitude and approach of the applicants is evident from the manner in which they appear to have indulged in violence without any provocation. Although it is stated that the Instagram story was not posted by the applicants, their photographs indeed feature in the same and there is substance in the contention raised by the learned APP that such material does show that the applicants are scant regard for law and that if such young boys are granted relief of anticipatory bail, it may lead to complications and further harassment of the victims in the present case, as also possibility of further such incidents occurring.

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

(MANISH PITALE, J.)