

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

Anticipatory Bail Application No. 1638 of 2024

Ravi Balaya Gajala
Age 37 years, Occ. Service,
R/at. Indrayani Nagar,
1/4, Saibaba Road, Sector No.1,
Gorai -1, Borivali (W),
Mumbai – 400 092.

...Applicant

Vs.
The State of Maharashtra
(At the instance of Borivali Police
Station, Mumbai)

...Respondent

Mr. Prathamesh Naik i/b. Meghashyam Kocharekar, for the
Applicant.
Mr. Yogesh Y. Dabake, APP for the Respondent – State.
API Bhatu Pawar, Borivali Police Station present.

Coram : R. N. Laddha, J.

Date : 19 July 2024

P.C.

. This is an application filed by the applicant seeking pre-arrest bail in connection with CR No.220 of 2024, registered at Borivali Police Station, Mumbai, for offences punishable under Sections 143, 145, 149, 160, 353, 332, 308, 504, 506, 323 and 324 of the Indian Penal Code and Sections 153 and 37(1) of the

Maharashtra Police Act, 1951.

2. The prosecution alleges that the applicant and others formed an unlawful assembly and engaged in a fight with another group. A head police constable, who was on duty at the time, attempted to intervene in the fight. During this intervention, the constable was assaulted by the members of the assembly.

3. Mr Prathamesh Naik, the learned Counsel appearing on behalf of the applicant, contends that no role is attributed to the applicant in the FIR. Based on the statement of the co-accused, the applicant has been falsely implicated in the crime. The applicant has no criminal antecedents. The learned Counsel points out that the co-accused have been granted anticipatory bail. The applicant is ready and willing to abide by the conditions set by the Court.

4. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is serious. The applicant, with others, formed an unlawful assembly and assaulted the informant while he was performing his official duty. If the applicant is granted anticipatory bail, he may tamper with the evidence and influence the witnesses.

5. Upon perusing the records, it appears that no specific role is

attributed to the applicant. Except for the co-accused statement, which is bereft of any details, nothing is on record to link the applicant to the present crime. No material on record suggests that the applicant was identified in the CCTV footage. Moreover, the co-accused have already been granted anticipatory bail. Appropriate conditions can be imposed to address the prosecution's apprehension of evidence tampering and witness interference. Given the above, the present application is allowed on the following terms:

(i) In the event of the applicant's arrest in CR No.220 of 2024, registered at Borivali Police Station, Mumbai, he shall be released on bail on executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

R. N. Laddha, J.