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

Anticipatory Bail Application No.2035 Of 2024

Yogesh Keshav Patil

Age: 28 years, Occupation-

Agriculturist, Add. Parshuram

Pada, Post Dabad, Tal. Bhiwandi,

Dist. Thane

... Applicant

v/s.

The State of Maharashtra

(At the instance of Senior Inspector

Ganeshpuri Police Station,

Tal. Bhiwandi, Dist. Thane)

... Respondent

....

Mr Vinayak Patil, a/w. Mr Vishal Nevshe, for the Applicant.

Mr Amit A Palkar, APP, for Respondent State.

PSI Umesh Khirad, Ganeshpuri Police Station, present.

....

Coram : R.N. Laddha, J.

Date : 30 July 2024

P.C. :

Heard Mr Vinayak Patil, the learned Counsel for the applicant,
and Mr Amit Palkar, the learned APP for the State.

2. This is an application for pre-arrest bail filed by the applicant,
who is apprehending arrest in connection with CR No.45 of 2024,
registered with Ganeshpuri Police Station, Thane Rural, for the

offences punishable u/s 324, 504, 506, 427 r/w 34 of the Indian Penal Code.

3. The applicant sought anticipatory bail from the Sessions Court. However, it was denied by an order dated 06.07.2024. The Sessions Court found that the ongoing investigation warranted the applicant's custodial interrogation.

4. Mr Vinayak Patil, learned Counsel for the applicant, asserts that the applicant is innocent and has been falsely implicated in the present crime. The CCTV footage from the Amazon warehouse gate shows that the applicant was near the Amazon warehouse at the relevant time, away from the alleged incident spot. The applicant is not named in the FIR, and there has been a delay in registering it. Furthermore, there seems to be a case of mistaken identity. The co-accused, Mahesh, has already been released on bail.

5. Mr Amit Palkar, the learned APP, submits that the applicant and the co-accused assaulted the complainant using a sword. Later, Sections 4 and 25 of the Arms Act have been added. The investigation is in progress, and the weapon used by the applicant has not yet been recovered. The statements of eyewitnesses clearly suggest the applicant's involvement in the crime. Additionally, the applicant has criminal antecedents.

6. It is a settled position in law that the decision to grant anticipatory bail requires careful and prudent discretion by the Court, taking into account the specific circumstances of each case. While exercising this power, the Court must proceed with caution, recognising that granting protection in serious cases could potentially result in a miscarriage of justice or hinder the ongoing investigation by allowing tampering or destruction of evidence.

7. In the present case, upon perusing the record, it appears that the alleged weapon (a sword) used by the applicant has not yet been recovered. There are eyewitnesses to the incident, and the investigation is in progress. Furthermore, the applicant has a history of ten criminal antecedents. Considering the seriousness of the allegations, the conduct of the applicant/accused, and the nascent stage of the investigation, the argument against granting pre-arrest bail, as presented by the learned APP, is well founded. The custodial interrogation of the applicant would be necessary for further investigation.

8. In view of the above, the application stands rejected.

(R.N. Laddha, J.)