

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

ANTICIPATORY BAIL APPLICATION NO. 2119 OF 2024

1. Jayendra Gajanan Deshmukh
 2. Prashant Suryakant Deshmukh
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. S.M. Gorwadkar, Senior Counsel i/b Mr. Sanjay Gangal, for Applicant.
- Mr. R.M. Pethe, APP for Respondent.
- Mr. Bhaskar Jadhav, API, LCB, Raigad.

CORAM : MANISH PITALE, J.

DATE : 19th August, 2024.

P. C. :

1. Heard, Mr. Gorwadkar, learned senior counsel appearing for the applicants and Mr. Pethe, learned APP for the State.
2. The applicants are apprehending arrest in connection with First Information Report No.0180 of 2024, dated 25.06.2024, registered at Police Station Karjat, District Raigad, for the offences under Sections 307, 324, 120-B, 506, 143, 147, 148 and 149 of the Indian Penal Code (IPC) and Sections 135, 37(1), 37(3) of the Maharashtra Police Act.
3. The FIR shows that 7 accused persons have been named, including the applicants and there is also reference to 5 unknown persons who were present in a white Honda City car. It is alleged that these are the 5 unknown persons who actually carried out the assault on the informant.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed
by SHRIKANT
SHRINIVAS
MALANI
Date: 2024.08.19
19:12:23 +0530

4. It is alleged that on the date and time of the incident i.e. on 25.06.2024 at about 10:30 in the morning, 5 unknown persons alighted from the aforesaid car and brutally assaulted the informant. In the statement leading to registration of the FIR, the informant has alleged that about 8 months ago a co-accused person had given threat and about 8 days prior to the incident one individual had told the informant that some persons, including the applicant No.1 herein, may organize an assault on the informant.

5. The learned senior counsel appearing for the applicants submits that 4 co-accused persons were granted anticipatory bail, while another co-accused person was granted regular bail by the Sessions Court. It is submitted that there is no material to link the applicants with the incident in question and the case of the investigating authority is based on conjectures arising from the apprehension expressed by the first informant. It is submitted that the applicants are ready to co-operate with the investigation. Therefore, this Court may favourably consider the prayer.

6. On the other hand, learned APP has vehemently opposed the present application. He submits that the applicants have criminal antecedents against them. It is further submitted that the statements recorded during the course of investigation would show that the applicant No.1, who is a former *Sarpanch*, had asked certain individuals to ownup their role in the incident in

question and such persons presented themselves before the police station by stating that they had carried out the assault on the informant. Further investigation indicated that their claims were false. Instead, when one of the assailants was apprehended he revealed the involvement of the applicants in the conspiracy to carry out the aforesaid assault on the informant. Reference is made to Call Detail Records (CDRs) to support the said contentions.

7. This Court has perused the statement of the informant, leading to registration of the FIR, which shows that the assailants were persons unknown to the informant. A reference is made to applicant No.1 as the son of Gajanan Deshmukh, who was allegedly involved, for the reason that about 8 days prior to the incident, some person came to the informant with the aforesaid information.

8. Apart from the aforesaid apprehension expressed on behalf of the informant, a perusal of the investigation papers shows that one of the assailants, upon being arrested, allegedly stated that the applicants were part of the conspiracy in the present case. The aforesaid is only a statement of a co-accused person. Unless there is material to corroborate the aforesaid statement, it would not be safe to rely upon only the statement of the co-accused person, to draw conclusions against the applicants at this stage itself.

9. Reference to the CDRs at this stage does not appear to take the

case of the investigating authority any further, simply for the reason that such details *prima facie* do not indicate exchange of phone calls between the applicants and the assailants at the time of the incident. There are some calls said to have been exchanged, but those pertain to a period between January to May, 2024. In any case, the actual effect of such CDRs, in taking the case of the investigating authority any further, would have to be determined at the stage of trial.

10. As on today, it is difficult for this Court to understand the link sought to be raised on behalf of the investigating authority between the applicants and the actual incident in question. It is a matter of record that 4 of the named co-accused persons have been already granted anticipatory bail and the remaining named co-accused person has been granted regular bail. The applicants are ready to co-operate with the investigation and therefore, they have made out a case in their favour.

11. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0180 of 2024, dated 25.06.2024, registered at Police Station Karjat, District Raigad, for the offences under Sections 307, 324, 120-B, 506, 143, 147, 148 and 149 of the Indian Penal Code (IPC) and Sections 135, 37(1), 37(3) of the Maharashtra Police Act, they shall be

released on bail on furnishing P.R. Bonds of ₹ 50,000/- each and one or two sureties in the like amount to the satisfaction of the Trial Court.

(B) The applicants shall remain present before the Investigating Officer on 21st August, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. They shall cooperate with the investigation.

(C) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

13. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application is disposed of.

(MANISH PITALE, J.)