

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

Anticipatory Bail Application No.2175 Of 2024

Roshan Anil Bhagare

Age: 24 years, Occ: Agriculture,

R/a. Borsheti, Tal. Shahapur,

Dist. Thane

... Applicant

v/s.

State of Maharashtra

(Through Shahapur Police Station)

(Copy served on A.P.P.,

High Court, Mumbai.)

... Respondent

....

Mr Ameya Pitale, for the Applicant.

Mr Arfan Sait, APP, for Respondent State.

....

Coram : R.N. Laddha, J.

Date : 5 August 2024

P.C. :

Heard Mr Amey Pitale, the learned Counsel for the applicant and Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant apprehending arrest in CR No.107 of 2024, registered at Shahapur Police Station, Thane, for the offences punishable u/s 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The applicant had applied for anticipatory bail before the

Sessions Court, however, it was rejected by an order dated 28 June 2024. The Sessions Court observed the seriousness of the offence and expressed concern about the applicant and the informant residing in close proximity, which could lead to evidence tampering.

4. The learned Counsel for the applicant contends that the cross FIR was lodged in connection with the alleged incident by one of the co-accused in the present crime. The co-accused were arrested and subsequently released on bail. The accusation against the applicant is that he assaulted the informant with a punch on his head. The investigation is almost complete, and nothing is to be recovered from the applicant.

5. Learned APP representing the respondent/State contends that the intent to commit the offence is evident from the material on record. The eyewitnesses corroborate the incident. However, the learned APP acknowledges that the investigation is almost complete, the co-accused have been granted bail, and nothing is to be recovered from the applicant.

6. This Court has appreciated the rival contentions and perused the material placed on record.

7. The allegations against the applicant are that, he along with co-accused, in furtherance of their common intention, assaulted the first

informant. Admittedly, the applicant did not use any weapon. The role attributed to the applicant in the crime is that, he gave a punch on the head of the informant and nothing is to be recovered from him. The co-accused, who allegedly used weapons, have already been released on bail, and the weapons were recovered from them. The applicant is under interim protection and has cooperated with the investigation.

8. Considering the nature of the allegations and the fact that the investigation is almost complete, this Court is inclined to grant anticipatory bail to the applicant. Hence, the following order.

(i) In the event of arrest, the applicant shall be released on bail in CR No.107 of 2024, registered at Shahapur Police Station, Thane, on executing a PR Bond of Rs.25,000/- and furnish one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and report to the concerned police station as and when directed.

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

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]