CHITRA SANJAY SONAWANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2352 of 2024

Sayraj M Siddique Pakurde
Age 37 years, Occ. Chicken Supplier,
R/at. Baneli, Tal. Kalyan, Dist. Thane. ...Applicant

Vs.

The State of Maharashtra
Through Senior PI, Kalyan Taluka
Police Station, Sangoda Road, Titwala,
Kalyan, Maharashtra – 421 605. ...Respondent

Mr Manindra Pandey a/w. Ms. Aayushi Chauhan, for the Applicant.
Mr Yogesh Y. Dabake, APP for the Respondent – State.
PSI M. V. Karamunge, Kalyan Taluka Police Station is present.

Coram: R. N. Laddha, J.
Date: 21 August 2024.

P.C.

Heard Mr Manindra Pandey, the learned Counsel appearing on behalf of the applicant and Mr Yogesh Dabake, 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 C.R. No.109 of 2024, registered at Kalyan Taluka Police Station, Thane, for the offences punishable under Sections 307, 323 and 506 read with 34 of the Indian Penal Code.

3. The applicant is accused of engaging in a violent altercation with the informant, who owned a rival chicken shop in the same area of village Baneli, sparking a business feud. On 20 February 2024, the applicant in connivance with the co-accused attacked the informant at his shop, unleashing a brutal assault involving fist and kick blows, as well as knife wounds to the stomach and neck, leading to the registration of the present FIR.

4. Mr Manindra Pandey, the learned Counsel for the applicant, submits that according to the FIR, the applicant's alleged involvement was limited to assaulting the informant with fist and kick blows, without using any weapon. The co-accused with a similar role has already been granted anticipatory bail. Furthermore, nothing is to be recovered or discovered at the behest of the applicant, and the investigation has been completed.

5. On the other hand, Mr Yogesh Dabake, the learned APP representing the respondent/State emphasises the severity of the offence and submits that the applicant played an active and direct role in the commission of the crime, with a specific and identifiable part attributed to him.

6. Upon reviewing the records, it is evident that there are no allegations against the applicant involving the use of any weapon. The accusations against the applicant pertains to physically

assaulting the informant using punches and kicks. The injuries sustained by the informant are simple in nature. Notably, the co-accused, whose role mirrors that of the applicant, has already been granted anticipatory bail. With the investigation concluded, and nothing is to be recovered from the applicant, this Court is inclined to grant pre-arrest bail. Appropriate conditions can be imposed to address concerns related to witness influence and evidence tampering, as outlined in the following order.

ORDER

(i) In the event of applicant's arrest in connection with C.R. No.109 of 2024, registered at Kalyan Taluka Police Station, Thane, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and shall not indulge in activities that would tamper with the evidence or influence the witnesses.

(iii) The applicant shall attend the concerned police station as and when required by the investigating agency.

7. The application stands disposed of accordingly.

[R. N. Laddha, J.]