

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

ANTICIPATORY BAIL APPLICATION NO. 2428 OF 2024

Rohan Vitthal Khilare

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Meghdeep Oak, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 11th SEPTEMBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS
MALANI
Date: 2024.09.12
10:39:41 +0530

P. C. :

1. Heard, Mr. Oak, learned counsel for the applicant and Mr. Kulkarni, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0603 of 2024, dated 08.07.2024, registered at Police Station Chaturshrungi, District Pune, for offences under Sections 118(1), 352, 189(4), 190 and 191 (3) of Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR shows that initially three accused persons were named and it was stated that seven other unknown persons accompanied the main accused persons. It is the case of the informant that at the date and time of the incident, the accused persons assaulted him and this resulted in injuries to his hands. It is alleged that co-accused person had used sharp weapon to cause the injuries.

4. The name of the applicant featured for the first time in the first remand report and the overt act attributed to the applicant is that he allegedly pursued the victim, due to which the victim had to run and take shelter in a temple.

5. The learned counsel for the applicant submits that the applicant has been arraigned as an accused only on the statement of the co-accused person and that there is no other material to link him with the incident in question. He further submits that the co-accused persons allegedly responsible for inflicting injuries on the victim, have been granted regular bail.

6. The learned APP, on the other hand, submits that this is a case where the provisions pertaining to unlawful assembly have been invoked. The presence of the applicant can be said to be established and hence, he can be held equally responsible for the injuries suffered by the victim, thereby indicating a *prima facie* case against the applicant.

7. This Court has perused the material on record. It is an admitted position that the applicant was not named in the FIR, while three accused persons were specifically named. The allegation pertaining to injuries being inflicted by sharp weapon have been leveled against the co-accused persons. In the statement of informant, there is a reference to others accompanying the

named co-accused persons pursuing the victim, due to which he had to take shelter in a temple. The name of the applicant has featured for the first time in the remand report and this is admittedly based on the statement given by a co-accused person. At this stage, the main factor to link the applicant to the incident in question is the statement of the co-accused person. It is not even alleged that the applicant was armed or he was responsible for inflicting the injuries on the victim. So long as the applicant is ready to cooperate with the investigation, a case is made out for granting anticipatory bail.

8. 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.0603 of 2024, dated 08.07.2024, registered at Police Station Chaturshrungi, District Pune, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 13.09.2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. He shall cooperate with the investigation.

(C) The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)