

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2667 OF 2024

Swapnil Ashok Kekre ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Satyam Harshad Nimbalkar a/w. Mr. Harshwardhan Milind Pawar i/b.
Mr.Milind Dattatraya Pawar for Applicant.

Ms. Megha S. Bajoria, APP for Respondent-State.

Ms. Shamal Patil, PSI, Chaturshringi Police Station, Pune City.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 01, 2024

P.C. :

. Heard Mr. Nimbalkar, learned counsel for the applicant and
Ms.Bajoria, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR
No.0632 of 2024 dated 20.07.2024 registered with Chaturshringi Police
Station, District - Pune, for offences under Sections 3(5), 74, 115(2),
118(1) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS), as also
under Sections 119, 177 and 184 of the Motor Vehicles Act, 1988.

3. There are two accused persons in the present case, the other
accused being the wife of the present applicant. She was granted
anticipatory bail by the Sessions Court, while the prayer made on behalf
of the applicant was rejected.

4. The informant in the present case is a lady, who has alleged that
on the date and time of the incident, the applicant was driving his four-
wheeler, while she was riding a two-wheeler. It is alleged that the
applicant was driving in an erratic manner and after the informant had

overtaken the vehicle of the applicant, he stopped her, came out of his vehicle and allegedly assaulted her and in the process, he also outraged her modesty. It is also alleged that the co-accused person i.e. the wife of the applicant also assaulted the informant.

5. The learned counsel for the applicant submits that in respect of the same incident, the applicant had also approached the police on the basis of which, a non-cognizable report (NCR) was recorded. Thereafter, the present FIR came to be registered. It is submitted that there are two versions of the same incident. In any case, it is submitted that, at worst, this could be said to be a case of road rage and not a case of any planned assault launched by the accused person against the informant. It is submitted that the applicant is ready to co-operate with the investigation and this Court may consider the prayer of anticipatory bail positively.

6. The learned APP, on the other hand, submits that specific allegation of assault is levelled by the informant against the accused persons. The injury report shows injuries on the nose and face of the informant, thereby indicating the violent manner in which the applicant punched the informant, leading to injuries. It is submitted that the Sessions Court granted relief to the co-accused person, looking to the fact that the allegations against her were distinct from those against the applicant herein, and that therefore, no indulgence may be shown.

7. This Court has perused the contents of the aforesaid NCR registered at the behest of the applicant, as also the contents of the FIR. There are indeed two versions of the same incident. In any case, it appears that the incident occurred on the road when the applicant was driving his four-wheeler and the informant was riding her two-wheeler. It appears that during the course of driving their respective vehicles, the aforesaid incident has occurred, which in a manner of speaking, can be said to be an incident concerning road rage.

8. There are specific allegations against the applicant to the effect that he punched the informant on her nose, leading to injuries. There are corresponding injuries found in the injury report. A perusal of the NCR indicates the description of the said incident from the point of view of the accused persons i.e. the applicant and his wife (co-accused). It appears that the incident occurred at the spur of the moment and there was obviously no planning associated with the same. The applicant does not appear to have any criminal antecedents and looking to the circumstances in which the allegations have been levelled against the applicant, this Court is inclined to grant relief of anticipatory bail, subject to imposing appropriate conditions. The applicant has undertaken to co-operate with the investigation.

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

10. 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.0632 of 2024 dated 20.07.2024 registered with Chatushrungi Police Station, District - Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall appear before the investigating officer on 04.10.2024 between 10:00 a.m. and 12 noon and thereafter, as and when required. He shall co-operate with the investigating officer during the course of 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.

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

12. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab