

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

Anticipatory Bail Application No.2669 of 2024

Pravin @ Dadu Suresh Kamble

Age:- 29 yrs, Occ:-Service

R/at :- Room No.2, Muranjanwadi,

Sakhi Vihar Road, near Tunga village,

Powai, Mumbai-72

... Applicant/accused.

v/s.

The State of Maharashtra

(through Powai Police station)

... Respondent

....

Mr Dhiraj Bansode for the Applicant.

Mr Arfan Sait, APP, for Respondent State.

PSI Jitendra Gole, Powai police station, Mumbai.

....

Coram : R.N. Laddha, J.

Date : 27 September 2024.

P.C. :

Heard Mr Dhiraj Bansode, the learned Counsel appearing on behalf of 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.741 of 2024, registered with Powai Police Station, Mumbai, for the offences punishable under Sections 118(1), 324(2), 115, 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to the FIR, the informant planned to travel to Kolhapur with his friends on 31 August 2024. On that day, he arrived at the Lake Bloom rickshaw stand, where he and his friends were waiting for another friend. At that moment, the applicant arrived with two companions and initiated a quarrel. The applicant and his companions abused and assaulted the informant and his friends. During the altercation, the applicant struck the informant on the back with a sharp instrument, while one of the applicant's friend hit the informant in the face with a metal object. As a result, the informant sustained bleeding injuries and lost his gold chain during the incident.

4. Mr Dhiraj Bansode, the learned Counsel for the applicant submits that the injuries sustained by the applicant are self inflicted, indicating no external assault. The applicant has been falsely implicated in this crime, with no substantial evidence linking him to the alleged offence. There was a significant delay of approximately eight hours in lodging the FIR, which raises questions about the credibility and timing of the allegations. There was no prior enmity or ill-will between the applicant and the informant, suggesting no motive for the alleged crime. Contrary to the allegations, it was the informant and his associates who

assaulted the applicant. The informant has a criminal antecedent, which further undermines the reliability of the accusations. The applicant is a permanent resident of Powai, with strong roots in society, ensuring that he is unlikely to abscond if granted bail. The applicant is willing to cooperate with the ongoing investigation.

5. On the contrary, Mr Arfan Sait, the learned APP, submits that the applicant assaulted the informant using a sharp instrument. The weapon used in the commission of this offence has not yet been recovered. Furthermore, the statements provided by eyewitnesses unequivocally implicate the applicant, indicating his active involvement in the crime. The investigation is at a nascent stage.

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

7. The allegations against the applicant are that, he in connivance with the co-accused individuals, assaulted the first informant using a sharp weapon. The weapon allegedly used by the applicant in the crime has not yet been recovered. There are eyewitnesses to the incident, and the investigation is still at a nascent stage. Considering the nature of the incident, the

preliminary stage of the investigation, and the fact that the weapon used by the applicant has not yet been recovered, the learned APP is justified in contending that this is not an appropriate case for the grant of anticipatory bail. Hence, this Court is not inclined to grant the anticipatory bail to the applicant. Resultantly, the application stands rejected.

[R.N. Laddha, J.]