

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

ANTICIPATORY BAIL APPLICATION NO. 2700 OF 2024

1. Suraj s/o Prakash Bhanushali		
2. Alpesh s/o Ravindra Patil	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Anand Mishra i/by Ashok M. Saraogi for the Applicants.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Vijay S. Dakhore, PSI, Wada Police Station.

**CORAM: MANISH PITALE, J.
DATE : 4th OCTOBER 2024**

P.C. :

. Heard learned counsel for the applicants and learned APP for the respondent-State.

2. The applicants are arraigned as accused in respect of the FIR No. 0263 of 2024 dated 27th June 2024 registered at Wada Police Station, Dist. Palghar, for offences under Sections 143, 147, 149, 323, 324, 504 and 506 of the Indian Penal Code, 1860 (IPC). The applicants are apprehending arrest in connection with the said FIR.

3. The informant has alleged that the applicants along with the co-accused persons were present on the date and time of the incident. It is alleged that while co-accused Prathamesh Patil assaulted the informant by way of wooden stick, the applicants joined the assault and hit the informant by way of fists and kicks

on his abdomen and back.

4. The learned counsel for the applicants submits that omnibus allegations have made against the applicants, as also two unknown accused persons with regard to assault by way of fists and kicks. There is no allegation of any weapon having been used. It is submitted that, considering the limited role attributed to the applicants, this Court may consider granting relief in the present application, as the applicants undertake to cooperate with the investigation.

5. On the other hand, the learned APP submits that the victim in the present case has suffered grievous injuries on his face and also fracture of a rib, during the course of the assault. It is indicated that one of the applicants i.e. applicant No.2-Alpesh Ravindra Patil has criminal antecedents and that the other co-accused persons are absconding. It is submitted that indulgence may not be shown to the applicants.

6. This Court is of the opinion that since the other co-accused persons are absconding and the applicants are ready to join the investigation, as also the fact that in the description of the incident, there is no reference to use of any weapon by the applicants, it would be appropriate to keep the present application pending, while granting interim relief to the applicants, subject to specific conditions being imposed. The learned APP would also produce the investigation papers on the next date of listing.

7. In view of the above, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicants are arrested in connection with FIR No.0263 of 2024 dated 27th June 2024 registered at Wada Police Station, Dist. Palghar, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one or two sureties in the like amount.
- (b) The applicants shall remain present before the Investigating Officer on 7th and 8th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.
- (c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

8. In the event, the applicants violate any of the aforesaid conditions, the order passed today would be recalled.

9. List this application for further consideration on 11th November 2024 (High on Board).

MANISH PITALE, J.