

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2765 OF 2024**

Maruti Laxman Tokare	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Shivani Sunil Kondekar for applicant.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

Mr. S. B. Londhe, PSI, Neral Police Station, District Raigad.

**CORAM : MANISH PITALE, J.
DATE : 14th OCTOBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0178 of 2024 dated 22.08.2024, registered at Neral Police Station, District Raigad, for offences under Sections 115(2), 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. It is to be noted that only offence under Section 118(2) of the BNS is a non-bailable offence and it pertains to voluntarily causing hurt or grievous hurt by dangerous weapons or means.

4. Having heard the learned counsel for the applicant and the learned APP for the respondent-State and upon perusal of the statement of the informant leading to registration of FIR, this Court is inclined to keep the present application pending and to grant interim relief in favour of the

applicant, subject to the applicant abiding by specific conditions. The reasons for granting interim relief are as follows:

- (a) Although the statement of the informant does indicate the presence of the applicant at the place and time of the incident, the allegation regarding use of wooden bamboos for assault, *prima facie* appears to be against the two unknown persons, who were called by the applicant to the place of the incident.
- (b) The specific allegation as regards the assault indicates that the assault was carried out by means of fists and kicks and also by wooden bamboos. Since the statement of the informant itself indicates that two unknown co-accused persons were armed with wooden bamboos, *prima facie*, it appears that they could be held responsible for the serious injury of fracture to the arm of the informant/victim.
- (c) Although the delay in registration of FIR *prima facie* appears to have been explained by the informant and the investigation papers presently indicate that he underwent treatment at different hospitals, even the statement recorded at the hospital on 20.08.2024 shows that the act of assault was attributed to “unknown persons”.
- (d) The applicant has undertaken to co-operate with the investigation.

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

- (i) Till the next date, in the event the applicant is arrested in connection with FIR No.0178 of 2024 dated 22.08.2024, registered at Neral Police Station, District Raigad, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court.
- (ii) The applicant shall appear before the investigating officer on 16.10.2024 and 17.10.2024 between 10:00 a.m. and 12:00 noon and

thereafter as and when required by the investigating officer.

- (iii) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

6. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

7. List for further consideration on 19.11.2024 High on Board.

(MANISH PITALE, J)

Priya Kambli