

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

ANTICIPATORY BAIL APPLICATION NO. 2779 OF 2024

Avinash Tukaram Punde	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Raviraj Paramane for the Applicant.
Mr. Tanveer G. Khan, APP for Respondent-State.
Mr. Zeeshan Siddique (through V.C.) a/w Ms. Zubi Ansari i/by Mr. Smith Shinde for Original Complainant.
Mr. V. V. Dhurve, PSI, Alephata Police Station, Dist. Pune.

**CORAM: MANISH PITALE, J.
DATE : 15th OCTOBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0234 of 2024 dated 28th July 2024 registered at Alephata Police Station, Dist. Pune, for offences under Sections 118(2), 189(2), 190, 191(2), 191(3), 324(4) and 324(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. This Court is informed that subsequent offence under Section 109 of the BNS was also added, which pertains to attempt to murder.

4. In the present case, there are 5 persons, who are specifically

named in the FIR and it is stated that there were additionally 3 to 4 persons accompanying the named accused persons, who carried out the assault on the informant/victim. A perusal of the FIR shows that the incident occurred on 27th July 2024 at about 10:00 pm. and the FIR was registered on 28th July 2024 at about 3:16 p.m.

5. The learned counsel for the applicant submits that the applicant is not named in the FIR, although the applicant as well as the informant belong to the same village. It is submitted that the applicant has been falsely implicated. It is further submitted that the allegation regarding use of iron rod and assault on the head of the informant, pertains to co-accused Santosh Gaikwad and no such allegation is made against any of the other accused persons. It is submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may grant relief.

6. On the other hand, the learned APP, as well as the learned counsel having instructions to appear on behalf of the first informant, have opposed the present application. The learned APP informs this Court that the name of the applicant featured in the supplementary statement of the informant recorded on 29th July 2024. It is submitted that the applicant having been named in the supplementary statement clearly shows his involvement in the present case. This Court is informed that the anticipatory bail application of the co-accused-Santosh Gaikwad was dismissed as withdrawn before this Court. This Court is further informed that

the applicant has 4 criminal antecedents concerning offences under the Maharashtra Prohibition Act, 1949.

7. A perusal of the statement, leading to registration of the FIR, shows that the applicant is not named as one of the assailants. A general statement is made that there were 3 to 4 persons accompanying the 5 named accused persons at the date and time of the incident. The statement of the informant also shows that the assault on the head of the informant by means of an iron rod is attributed specifically to co-accused Santosh Gaikwad, while the role of the other persons present at the time of the incident, is limited to abusing and assaulting by way of fists and kicks. The name of the applicant featured for the first time on the next date of the registration of the FIR i.e. on 29th July 2024 in the supplementary statement of the informant. There is substance in the contention raised on behalf of the applicant that since the informant as well as the applicant belong to the same village and the informant also knew the pet name of the applicant, there was no reason for him not to specifically name him in the statement that led to registration of the FIR.

8. In any case, the role attributed to the accused persons other than Santosh Gaikwad, is assault by way of fists and kicks. The serious injuries suffered by the informant are attributable to the role of the said accused person.

9. The applicant is ready to cooperate with the investigation

and the fact that there are 4 FIRs registered under the provisions of the Maharashtra Prohibition Act, in itself cannot come in the way of the applicant in securing relief in the present application.

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. 0234 of 2024 dated 28th July 2024 registered at Alephata Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and 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 17th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not enter the jurisdiction of Alephata Police Station, Dist. Pune, till filling of the charge-sheet, except for remaining present before the Investigating Officer, as per the direction hereinabove.

(d) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

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.

12. The application is disposed of.

MANISH PITALE, J.