

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

ANTICIPATORY BAIL APPLICATION NO. 2781 OF 2024

Rohit Shivaji Dhotre	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Prashant Hagare a/w Krishna Tarde for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

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

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0181 of 2024 dated 18th March 2024 registered at Baramati City Police Station, Dist. Pune, for offences under Sections 326, 143, 147, 148, 149, 323, 504, 506 and 135 of the Indian Penal Code, 1860 (IPC).

3. This Court is informed that subsequently the victim died and hence, offence under Section 302 of the IPC was added.

4. The Statement of the informant describes the manner in which the victim was assaulted on 17th March 2024 at about 10:30 p.m. in the night, when he had gone to a restaurant to collect

chinese food. It is alleged that 6 named accused persons assaulted the victim with wooden sticks and iron rod, causing serious injuries, which eventually led to his death.

5. The learned counsel for the applicant submits that in the present case, the applicant was not named in the FIR as the assailant. The role of the applicant has come to fore on the basis of statement of one Ritesh Mohan Devkar, a friend of the victim, who is said to be accompanying with the victim at the time of the incident. It is alleged that the applicant and another accused person were both following the victim on motorcycle, when he was proceeding towards the restaurant to collect the chinese food. In the aforesaid statement of the said witness, it is simply stated that two persons were following the victim on the motorcycle, but in his supplementary statement recorded on 25th March 2024, the said witness specifically took the name of the applicant and another co-accused person. It is submitted that the statement of the mother of the victim also simply records that the victim had stated that the applicant and another co-accused person were following him on motorcycle, just prior to the actual incident of assault by the named accused persons. It is submitted that such material is not enough to link the applicant with the incident in question. The applicant is ready to cooperate with the investigation and hence, this Court may consider granting relief.

6. On the other hand, the learned APP submits that the aforesaid statements do indicate the role of the applicant that he

was part of the conspiracy, which caused the death of the victim. It was submitted that the Call Detail Records (CDRs) of the mobile handset of the co-accused person, indicate that the applicant was in touch with the assailants and therefore, he does not deserve any indulgence.

7. This Court finds that the material on record does indicate that the applicant was not named in the FIR as one of the assailants. There is admittedly no role attributed to the applicant as regards the actual assault inflicted upon the victim. The only allegation against the applicant appears to be that he, along with the named co-accused person Vishal Dhotre, were riding on a motorcycle, following the victim, just prior to the actual assault that took place in the restaurant. This Court is of the opinion that since no overt act is attributed to the applicant and he is not even named in the FIR, with the only allegation being that of following or shadowing the victim, prior to the incident, a case for granting interim relief is clearly made out. The applicant has undertaken to cooperate with the investigation. The present application can be kept pending, while interim order can be granted in favour of the applicant.

8. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0181 of 2024 dated 18th March 2024 registered at Baramati City 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.

- (b) The applicant shall remain present before the Investigating Officer on 17th and 18th 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 tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

10. List this application for further consideration on 21st November 2024 (High on Board).

MANISH PITALE, J.