

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

ANTICIPATORY BAIL APPLICATION NO. 2802 OF 2024

Sahil Raju Waghmare @ Sonya

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Salman Pathan a/w Mr. Sanket Salunkhe and Mr. Sadik Nasarjung, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 22nd OCTOBER, 2024.

P. C. :

1. Heard, Mr. Pathan, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0225 of 2024, dated 19.08.2024, registered at Police Station Bund-Garden, District Pune, for offences under Sections 352. 351(3), 351(2), 3(5), 126(2) and 109 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951.

3. This Court has considered the rival submissions in the light of the statement, leading to registration of the FIR. The statement indicates that at the date and time of the incident, the applicant was present alongwith the co-accused persons and that he took the child of the informant aside and

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thereafter, allegedly incited the co-accused persons to assault the informant. The actual act of assault with weapons is attributed to the co-accused persons. Apart from this, the learned counsel for the applicant has tendered the say of the informant filed in the anticipatory bail application moved by the applicant before the Sessions Court. In the said say submitted on behalf of the informant, it is specifically stated that the informant had stated the names of only two accused persons, but the police with *mala fide* intention had joined the applicant as an accused.

4. The aforesaid say filed on behalf of the informant can be looked at from both angles i.e. either the applicant has influenced the informant or that the informant has voluntarily come forward to indicate that the applicant has been falsely implicated.

5. At this stage, the learned APP submits that there are number of criminal antecedents of the applicant and now even provisions of the Maharashtra Control of Organized Crime Act, 1999, have also been invoked in the present case. In that light, he seeks time to file an affidavit alongwith relevant documents.

6. Considering the limited role attributed to the applicant in the statement of the informant, leading to registration of the FIR, coupled with the say filed on behalf of the informant before the Sessions court, this Court is

inclined to grant interim relief in favour of the applicant.

7. In view of the above, list the said application for further consideration on 25th November, 2024, “High on Board.” In the meanwhile, there shall be interim order in the following terms :

- (A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0225 of 2024, dated 19.08.2024, registered at Police Station Bund-Garden, District Pune, he shall be released on bail, on furnishing PR Bond of ₹ 25,000/- with 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 25th October, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

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

9. List the application for further consideration on **25th November, 2024, “High on Board.”**

(MANISH PITALE, J.)