

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

ANTICIPATORY BAIL APPLICATION NO. 2822 OF 2024

Rutik Balu Chavan	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Shreyas P. Barsawade (through V.C.) for the Applicant.

Mr. Mayur S. Sonavane, APP for Respondent-State.

Mr. Kishor Wagaj, PSI, Yavat Police Station, Dist. Pune.

**CORAM: MANISH PITALE, J.
DATE : 21st 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. 0509 of 2023 dated 17th May 2023 registered at Yevat Police Station, Dist. Pune, for offences under Sections 143, 147, 149, 308, 323, 327, 341, 504, 506 and 507 of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that on 14th May 2023 at about 8:00 p.m., the applicant and co-accused persons, in the backdrop of an earlier dispute between the parties, confronted the informant and thereupon, abused him. It is specifically alleged that the applicant pressed the neck of the informant and when a friend

came to help him, he was also assaulted by fists and kicks by the accused persons.

4. The learned counsel for the applicant submits that some of the co-accused persons have been granted anticipatory bail, while one of them is granted regular bail. The only reason why the applicant denied relief is that a specific role has been attributed to him.

5. It is further submitted that as against the informant, on the same date, at an earlier point in time, an FIR was registered under the provisions of the IPC, as well as the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act). In the said FIR, one of the co-accused persons herein was the informant. It pertained to the incident of 14th May 2023, wherein the said informant and his co-accused persons had abused one of the co-accused herein in the name of his caste, apart from other overt acts attributed to the accused persons. It was submitted that the informant herein was granted anticipatory bail in the context of the said FIR.

6. In this backdrop, it was submitted that this could be said to be a matter of cross cases and that in any case, since the applicant is ready to cooperate with the investigation and there is not even an allegation of assault by means of any weapon, this Court may consider allowing the present application.

7. On the other hand, the learned APP submits that the role of the applicant is distinguishable from that the co-accused persons. The ingredients of the offences registered against the applicant are clearly made out and merely because one of the co-accused persons had caused an FIR to be registered against the informant herein, cannot be a ground for showing any indulgence to the applicant.

8. The material on record shows that one of the co-accused persons in the present case was an informant, who caused an FIR to be registered, prior in point of time, on the same date against the accused persons, including the informant herein. In that sense, it can be said that this a matter concerning cross cases. It is undisputed that the informant herein was granted anticipatory bail by the concerned Court, in respect of the cross FIR. It is also an admitted position that some of the co-accused in the present case were granted anticipatory bail and one of them was granted regular bail.

9. The only reason why the prayer of anticipatory bail of the applicant appears to have been rejected is that while allegation of assault by fists and kicks was made against the co-accused persons, as against the applicant, it was alleged that he had pressed the neck of the informant. But, even if the entirety of the allegations are considered, there is no allegation of use of any weapon or any corresponding injury concerning the same. In such a situation, considering the aforementioned circumstances, this Court is of the

opinion that so long as the applicant is ready to cooperate with the investigation, he can be granted relief.

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.0509 of 2023 dated 17th May 2023 registered at Yevat 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 24th 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 Investigating Officer during the course of investigation.

(c) 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.