

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2863 OF 2024

Jay Vinod Kadale

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Sushil Shinde, for Applicant (Through V.C.)
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Pravin More, H.C., Baramati City Police Station.

CORAM : MANISH PITALE, J.

DATE : 23rd OCTOBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

P. C. :

Digitally signed
by SHRIKANT
SHRINIVAS
MALANI
Date: 2024.10.23
18:59:00 +0530

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

2. The applicant in the present case is apprehending arrest in connection with First Information Report No.0880 of 2023, dated 19.10.2023, registered at Police Station Baramati City, District Pune Rural, for offences under Sections 323, 324, 504 and 506 and read with Section 34 of the Indian Penal Code, 1860 (IPC). This Court is informed that subsequently offence under Section 326 of the IPC was also added against the accused persons, including the applicant.

3. The statement of the informant, leading to registration of the FIR, shows that at the date and time of the incident the accused persons,

including the applicants assaulted him, due to which he suffered injuries.

4. The learned counsel for the applicant submits that, even according to the statement of the informant, the only role attributed to the applicant was that he allegedly abused the informant and assaulted him by fists and kicks. It is submitted that the allegation about assault by means of an iron rod was against the co-accused – Vijay @ Vaibhav Shinde. It is submitted that he has been already granted bail and the weapon of assault is also recovered. It is submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may allow the present application.

5. On the other hand, the learned APP submits that the presence of the applicant is clearly stated while the incident is described by the informant. It is conceded that the weapon of assault has been already recovered and that the co-accused person against whom the allegation regarding use of weapon has been made, has been already granted regular bail.

6. This Court is of the opinion that considering the role attributed to applicant, even according to the statement of the informant, relief can be granted in the present application. It is only alleged that the applicant abused the informant and joined the other accused in assaulting him by way of fists and kicks. There is no allegation of use of any weapon against the applicant and it is an admitted position that the weapon of assault used by the co-

accused Vijay @ Vaibhav Shinde, has been already recovered and that the said accused person has been granted regular bail.

7. For the aforesaid reasons, the application deserves to be allowed.
8. Accordingly, the application is allowed in the following terms :
 - (A) In the event the applicant is arrested in connection with FIR No.0880 of 2023, dated 19.10.2023, registered at Police Station Baramati City, District Pune Rural, he shall be released on bail, on furnishing PR Bonds of ₹ 25,000/- each with one or two sureties each 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 applicant 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.
9. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory

bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)