

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

ANTICIPATORY BAIL APPLICATION NO. 2871 OF 2024

Suraj Pradeep Thorat	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Vaibhav R. Gaikwad for the Applicant.
Mr. Prasanna P. Malshe APP for Respondent-State.
Mr. P. M. Gavade, PSI, Indapur Police Station.

**CORAM: MANISH PITALE, J.
DATE : 24th 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. 0705 of 2024 dated 31st August 2024 registered at Indapur Police Station, Dist. Pune, for offences under Sections 352, 351(3), 351(2), 191(3), 191(2), 190, 189(2), 137(2), 126(2), 118(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant is a Bank Manager, who has described in his statement the manner in which his colleague, an Assistant Manager i.e. the victim, was assaulted by the accused persons, in the backdrop of a quarrel that the said Assistant Manager had with co-accused Sagar Thorat. It is alleged that in the evening of 30th

August 2024, the accused persons, including the applicant, assaulted the victim by way of fists and kicks and thereafter, two accused persons i.e. Sagar Thorat and Nikhil Thorat forcibly took the victim on their motorcycle and after going to a particular place, they further assaulted him by means of wooden stick and iron rod.

4. The learned counsel for the applicant submits that even if the statement of the informant is to be taken into consideration, there is no role attributed to the applicant in the second part of the incident, which involved assault by way of wooden stick and iron rod. It is submitted that, at worst, the allegation against the applicant is that he along with others assaulted the victim by way of fists and kicks. This allegation is also general and omnibus in nature. It is submitted that the main accused persons have been already arrested. The alleged weapons have been recovered and since the applicant undertakes to cooperate with the investigation, this Court may consider allowing the application.

5. On the other hand, the learned APP submits that in instant case, presence of the applicant is clearly established as per the statement of the informant. Since provisions of unlawful assembly are invoked, the applicant cannot escape liability, merely because the assault by way of weapons was attributed to the co-accused persons.

6. This Court has perused the material on record. The incident

in question appears to be in two parts, wherein the serious assault appears to be in the second part, wherein the main accused persons, after having forcibly taken the victim on motorcycle, assaulted by means of wooden stick and iron rod. These two main accused persons are already behind bars. The wooden stick and iron rod are already recovered.

7. The role of the applicant is found in the first part of the incident, wherein a general allegation is made against the applicant and other co-accused persons about having assaulted the victim by way of fists and kicks. In this situation, since the nature of allegation made against the applicant is distinguishable from that made against the main accused persons and there is no question of any recovery of weapons from the applicant, this Court is inclined to allow the application, so long as the applicant cooperates with the investigation.

8. 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. 0705 of 2024 dated 31st August 2024 registered at Indapur 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 26th and 28th 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 or any other person concerned with the case.

9. 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.

10. The application is disposed of.

MANISH PITALE, J.