

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2874 OF 2024**

Vishal Kaluram Dhotre	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Manisha Devkar a/w. Ms. Siddhi Patil for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 24th OCTOBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0181 of 2024 dated 18.03.2024, registered at Baramati City Police Station, Dist. Pune Rural, for offences under Sections 326, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Police Act, 1951. This Court is informed that subsequently, the victim died and hence, offence under Section 302 of the IPC was added.

3. The statement of the informant describes the manner in which the victim was assaulted on 17.03.2024 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.

4. At the outset, the learned counsel for the applicant submitted that although an earlier application filed on behalf of the applicant, was withdrawn on 02.05.2024, chargesheet was thereafter filed in June 2024 and that by an order dated 15.10.2024 passed in Anticipatory Bail Application No.2781 of 2024 (**Rohit Shivaji Dhotre vs. The State of Maharashtra**), this Court had granted interim relief in favour of a co-accused person, who is alleged to have played an identical role as that of the applicant. She relied upon the aforesaid order, in order to press for relief in the present application. It is to be noted that the said application is now supposed to be listed on 21.11.2024, High on Board.

5. The learned APP, on the other hand, submitted that there is material in the form of call detail records (CDRs), to show that the applicant was constantly in touch with the main accused person, who carried out the assault in the restaurant, leading to injuries and death of the victim.

6. It is not disputed that even according to the investigating authority, the role attributed to the applicant is that he accompanied the co-accused person Rohit Shivaji Dhotre on motorcycle, just prior to the incident and that he was in constant touch with the main accused person. It is also an admitted position that the applicant was also not named in the FIR, when it was registered. His name was subsequently added.

7. In this backdrop, it would be relevant to look at the reasons recorded by this Court while granting interim relief to the co-accused person Rohit Shivaji Dhotre. The reasons are found in paragraph No.7 of the order dated 15.10.2024 passed in Anticipatory Bail Application No.2781 of 2024, which read as follows:

“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. Additionally, the learned counsel for the applicant invites attention of this Court to the photograph of the applicant at Page No.209 and a disability certificate at Page No.210 issued by the concerned authority of the Government of Maharashtra, showing that both the hands of applicant have been amputated below the elbow. He is certified to be suffering from disability of 96%. This is another ground on which this Court is inclined to grant interim relief to the applicant.

9. For the aforesaid reasons, there shall be interim order in the following terms:

(a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0181 of 2024 dated 18.03.2024, registered at Baramati City Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount.

- (b) The applicant shall remain present before the Investigating Officer on 28.10.2024 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.

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

11. Tag this application alongwith Anticipatory Bail Application No.2781 of 2024, to be listed on 21.11.2024, High on Board.

(MANISH PITALE, J)

Priya Kambli