

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

ANTICIPATORY BAIL APPLICATION NO. 2891 OF 2024

Amol Laxman Narute

...Applicant

Versus

The State of Maharashtra

...Respondent

**SHRIKANT
SHRINIVAS
MALANI**

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SHRIKANT
SHRINIVAS MALANI
Date: 2024.10.25
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- Mr. Bhalchandra S. Shinde, for Applicant.
- Ms. R.V. Newton, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 25th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Shinde, learned counsel for the applicant and Ms. Newton, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0374 of 2024, dated 29.09.2024, registered at Police Station Walchandnagar, District Pune Rural, for offences under Sections 135, 37(1) and 37(3) of the Maharashtra Police Act, 1951 and Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 324(4), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant has stated that he and another victim suffered injuries when the accused persons, including the applicant assaulted them in the backdrop of a property dispute. It appears that the dispute is between two branches of the same family.

4. The learned counsel for the applicant submits that the applicant is one of the 7 accused persons. Amongst the co-accused persons one has been granted regular bail, while 5 others were granted the relief of anticipatory bail by the Sessions Court. It is submitted that the only role attributed to the applicant is that he allegedly assaulted the informant on his back by means of wooden stick. It is submitted that there is no corresponding injury to the informant.

5. The learned APP has produced the injury certificate of the informant as well as the other victim. It is submitted that the role of the applicant is evident from the statement of the informant.

6. This Court has considered the material on record. The specific overt act attributed to the applicant is that he assaulted the informant on his back by way of a wooden stick. The injury certificate of the informant shows that he suffered a grievous injury of his right wrist, which was a fracture and he suffered simple injury on his right shoulder. There is no reference to any injury on his back. It is relevant to note that the co-accused person, who allegedly used the reverse side of *Koyta* to cause the injury to the right wrist of the informant was enlarged on regular bail. The other co-accused persons have been granted relief of anticipatory bail.

7. This Court is of the opinion that when the injury certificate *prima facie* does not show any injury corresponding to the overt act attributed to the applicant, he has made out a *prima facie* case in his favour. The applicant undertakes to cooperate 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, he shall be released on bail, in connection with FIR No.0374 of 2024, dated 29.09.2024, registered at Police Station Walchandnagar, District Pune Rural, on furnishing PR Bond of ₹ 25,000/- with one or two sureties each in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall appear before the Investigating Officer on 28th 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 applicant 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 applicant 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.)