

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

ANTICIPATORY BAIL APPLICATION NO. 2933 OF 2024

Hemant Vyankat Kamble	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Ganesh Bhujbal for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Tushar A. Bhor, PSI, Malegaon Police Station, Pune (Rural).

**CORAM: MANISH PITALE, J.
DATE : 11th NOVEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0213 of 2024 dated 9th September 2024 registered at Malegaon Police station, Dist. Pune, for offences under Sections 135, 109, 118(2), 140(1), 189(2), 189(4), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant is the father of the victim, who stated that his son was brutally assaulted by the accused persons, leading to various injuries. This led to registration of the FIR.

4. The learned counsel for the applicant submits that the applicant is not named in the FIR as an accused person. There is

hardly any material to link the applicant with the incident in question, other than statement of co-accused persons. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP has opposed the present application. He submits that not only the statement of the informant, but statement of eye-witness shows the manner in which the assault was carried out against the victim. It is submitted that apart from the statement of the co-accused persons and the memorandum under Section 27 of the Indian Evidence Act, 1872, there is material in the form of CCTV footage to show that the wooden sticks used in the assault were purchased/arranged by the applicant.

6. This Court has considered the rival submissions in the light of the material available in the investigation papers.

7. This Court is inclined to allow the application, for the following reasons :

- (a) The applicant is not specifically named as one of the assailants in the FIR.
- (b) At present, other than the statement of the co-accused person, there is no material to directly link the applicant with the incident in question.

- (c) The statements of the informant as well as the alleged eye-witness, do not show that the applicant has been named as one of the persons either present at the time of the incident or having actually participated in the same.
- (d) The wooden sticks as weapons of assault allegedly used at the time of the incident, have all been recovered either from the spot or at the behest of the main accused persons.
- (e) 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 in connection with FIR No. 0213 of 2024 dated 9th September 2024 registered at Malegaon 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 14th and 15th November 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer.
- (c) The applicant shall cooperate with the investigation, including surrendering his mobile phone

to the Investigating Officer.

(d) 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.