

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2937 OF 2024

Aadesh @ Hrushikesh Ram Temkar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Vivek Arote a/w Mr. Akshay Dingale, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.
- Mr. Balaji Thakur, API, Hinjewadi Police Station.

CORAM : MANISH PITALE, J.

DATE : 12th NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Arote, learned counsel for the applicant and Mr. Kulkarni, learned APP for respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0974 of 2024, dated 28.08.2024, registered at Police Station Hinjewadi, District Pune, for offences under Sections 110, 118(1), 189(2), 189(4), 191(2), 190, 191(3), 115(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3 and 7 of Criminal Law Amendment Act, 2013.

3. The applicant is named in the FIR, as one of the accused persons, who assaulted the victims, including the informant. The assault appears to have taken place in a series of incidents on 27.08.2024.

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4. The learned counsel for the applicant submits that even though the applicant has been named in the FIR, the overt acts attributed to him cannot be correlated to the serious offence under Section 109 of the BNS, which has been added subsequently. It is submitted that since the applicant is ready to cooperate with the investigation, this Court may consider allowing the application.

5. On the other hand, the learned APP points out that the applicant has criminal antecedents, as there are as many as five FIRs registered against him. It is specifically brought to the notice of this Court that an order of externment was passed against the applicant in October, 2023 for a period of 12 months and despite the said order of externment operating against the applicant, he violated the same and he was found at the spot of the incident. It was further submitted that a specific role is indeed attributed to the applicant in the FIR.

6. This Court has perused the material on record in the light of the rival submissions. The statement of the informant does name the applicant and specific role is attributed to him as regards the manner in which the victims, including the informant were assaulted. *Prima facie*, the presence of the applicant is made out in the present case.

7. In this light, it is significant that the applicant had suffered an order of externment in October, 2023, for a period of 12 months and he appears to have clearly violated the same by remaining present at the spot of the incident, which took place on 27.08.2024. Apart from this, the record shows that the applicant has as many as five other FIRs registered against him for similar offences, thereby indicating that he does have serious criminal antecedents.

8. In view of the above, the applicant has failed to make out a case in his favour. The application is dismissed.

(MANISH PITALE, J.)