

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2949 OF 2024**

Prakash Pandurang Gaikar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Niranjan Mundargi, i/b. Ms. Keral Mehta for applicant.

Mr. Prasanna P. Malshe, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 12th NOVEMBER, 2024**

P.C. :

1. 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.0303 of 2024 dated 09.10.2024, registered at Mumbai Naka Police Station, District Nashik City, for offences under Sections 115, 118(1), 189(2), 190, 191(1), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS). This Court is informed that subsequently, offences under Sections 118(2), 74 and 125 of the BNS were added.

3. As per the statement of the informant, in the backdrop of a dispute regarding parking of vehicle by the informant, the incident in question took place, wherein the accused persons, including the applicant, allegedly assaulted the informant, his wife and son, causing injuries.

4. The learned counsel for the applicant submitted that the dispute arose out of a small incident and it has been blown out of proportion. It is submitted that subsequent improvement has been made by the informant to claim that weapons like iron rod and stones were used in the assault, while the original statement of the informant does not indicate use of any such weapons. It is further indicated that the parties are residents of the same neighbourhood and now the dispute between the parties has been amicably settled, in respect of which an appropriate document can also be produced. It is submitted that in this backdrop, physical custody of the applicant may not be necessary.

5. The learned APP submitted that further serious offences have indeed been added in the present case and this Court may not show any indulgence till the investigation papers are produced.

6. This Court is of the opinion that since the original statement of the informant, leading to registration of FIR, refers to assault only by means of fists and kicks and there is no reference to use of any weapon, *prima facie* it can be said that subsequent improvement has been made by the informant. It appears that the incident has happened in the backdrop of a minor dispute pertaining to parking of vehicle between the informant and son of the applicant. Considering the fact that the parties are residents of the same neighbourhood and a specific statement is made that with passage of time, the parties have come around for amicably settling their dispute, while keeping the present application pending, interim relief can be granted in favour of the applicant.

7. In view of the above, there shall be interim relief in the following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0303 of 2024 dated 09.10.2024, registered at Mumbai Naka Police Station, District Nashik City, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the trial court.
- (b) The applicant shall appear before the investigating officer as and when required.
- (c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9 List for further consideration on 03.12.2024, to be included in the supplementary list.

10. The applicant is at liberty to place additional documents on record, before the next date of listing.

(MANISH PITALE, J)

Priya Kambli