

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2952 OF 2024**

Abhishek @ Kannya Vilas Marne	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Suhas B. Rohile for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. V. M. Shinde, P.C., Paud Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 12th NOVEMBER, 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.0227 of 2024 dated 27.05.2024, registered at Paud Police Station, District Pune Rural, for offences under Sections 4 and 25 of the Arms Act, 1959; Sections 143, 144, 307, 146, 147, 148 and 149 of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

3. The informant has described the incident that took place on 26.05.2024 at about 09:05 p.m., wherein he suffered grievous injury upon being assaulted by the accused persons. This resulted in registration of the FIR.

4. The learned counsel for the applicant submitted that although in the statement leading to registration of FIR, the informant did name the applicant as one of the persons present at the date and time of the incident, in the supplementary statement recorded on 01.06.2024, the informant himself stated that he had doubt whether the applicant was present, for the

reason that at the time of the incident, it was dark and he could not say for sure as to whether the applicant was present. It was further submitted that the 3 accused persons, who were alleged to be present at the time of the incident, have been granted regular bail and since the applicant is ready to co-operate with the investigation, this Court may consider allowing the present application.

5. On the other hand, the learned APP opposed the present application by submitting that even in the supplementary statement, the informant has clearly stated that due to earlier disputes, he suspected that the applicant was part of the conspiracy to eliminate the informant. Reference was also made to the statements of the co-accused persons, recorded during the course of investigation, to indicate the role of applicant in the present case.

6. This Court has considered the rival submissions in the light of the material brought on record. This Court is inclined to allow the present application for the following reasons:

- (a) Although in the statement leading to registration of FIR, the name of the applicant has been mentioned, in the supplementary statement, the informant himself has raised doubt about the presence of the applicant.
- (b) Even in the statement upon which the learned APP relied, it comes to fore that the applicant was not present at the actual date and time of the incident. It was only alleged that the applicant had made phone call to certain co-accused persons.
- (c) The angle of conspiracy upon which the learned APP has placed much reliance, is also based on certain call detail records that have been unearthed during the course of investigation. Such call detail records would be a matter of further investigation and eventually may be relevant at the stage of trial. But, in the absence of sufficient material to

indicate the presence of the applicant at the actual place of the incident when the assault was carried out, it can be said that the applicant has made out a *prima facie* case in his favour

(d) The applicant is ready to co-operate with the investigation.

7. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0227 of 2024 dated 27.05.2024, registered at Paud Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 14.11.2024 and 15.11.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) 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.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(MANISH PITALE, J)