



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3000 OF 2024

Dnyaneshwar Alias Mauli Shubharao Pawar

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Niranjan Bhavake i/by Mr. Sushant J. Tayade, for the Applicant.

Mr. Ashok S. Gawai, APP for the Respondent-State.

Mr. Bharat Mane, Wakad Police Station, Pimpri Chichwad, is present.

Coram : Sharmila U. Deshmukh, J.

**Date : October 31, 2024.
[Vacation Court]**

P. C. :

1. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS") seeking pre arrest bail in connection with C.R.No.0762 of 2024 registered with Wakad Police Station, Pimpri Chinchwad, for the offences punishable under Sections 307, 427, 452, 506(2) r/w 34 of the Indian Penal Code, 1860, under Sections 4(25) of Arms Act, under Section 135, 37(1)(3) of Maharashtra Police Act and under Sections 3 and 7 of Criminal Law Amendment Act, 2023.

2. The case of the prosecution is that on 28th June, 2024 around 3:00 p.m. when the informant was standing in front of his residence, the accused no.2 arrived there and inquired about the whereabouts of

his brother Atul Thorat and when he was informed that he was not aware, the accused No.2 picked up a paver block lying nearby and assaulted the informant. While leaving, the Accused no.2 threatened that they will not spare his brother Atul. Thereafter, around 4:30 p.m, when the informant's brother Atul arrived, all the Accused including the present Applicant arrived and starting verbally abusing them. The accused Nos.1 and 2 started hitting Atul with paver block lying nearby and when the informant tried to intervene, the Applicant restrained him.

3. Heard Mr. Bhavake, learned counsel for the Applicant and Mr.Gawai, learned APP for the Respondent-State.

4. Mr.Bhavake, learned counsel appearing for the Applicant would submit that the only role which is attributed to the Applicant is that he held the informant when he tried to intervene in the assault by accused Nos.1 and 2. He submits that there is no other role attributed to the Applicant and therefore no need for custodial interrogation. Learned APP submits that the Applicant has criminal antecedents and is not entitled for pre-arrest bail.

5. *Prima facie*, from perusal of the FIR, it appears that the only role which is attributed to the Applicant is that he had held the brother of the victim. The FIR, *prima facie*, does not spell out any case of assault by the present Applicant or participation in the assault. The allegation

is that the Applicant held the brother of the victim and not the victim and *prima facie*, case for pre arrest bail is made out.

6. In light of the above, interim relief in terms of prayer clause (b) is granted which reads thus:

“b. That pending the hearing and final disposal of the present Application this Hon’ble Court be pleased to grant Anticipatory Bail to the Applicant in the event of his arrest at the hands of Wakad Police Station in CR No.762/2024 for the offence punishable Under Sections 307, 427, 452, 506(2) r/w 34 of the Indian Penal Code, 1860, u/s. 4(25) of Arms Act, u/s.135, 37(1)(3) of Maharashtra Police Act and u/s.3 & 7 of Criminal Law Amendment Act, 2013 lodged against the Applicant;”

7. List the Application for further consideration on **22nd November, 2024.**

8. In event of arrest, the Applicant be released on bail on furnishing PR Bond of Rs.15,000/- with one or two surety of like amount. The Applicant to attend the concerned Police Station on 7th November, 2024 at 11:00 a.m. and thereafter as and when called upon. The Applicant is directed not to threaten the witnesses or offer any inducement to the witnesses and not to tamper with the evidence.

[Sharmila U. Deshmukh, J.]