

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3160 OF 2024

1. Prashant Anil Rasal
2. Siddhesh Gulab Rasal ... Applicants

Vs.

State of Maharashtra ... Respondent

Mr. Satyavrat P. Joshi a/w. Mr. Yash G. Fadtare and Mr. Ishan Paradkar for Applicants.

Mr. Kiran C. Shinde, APP for Respondent-State.

Mr. Amol Dnyandev Chavan, Head Constable, Shikrapur Police Station, Pune Rural.

CORAM : MANISH PITALE, J.

DATE : NOVEMBER 27, 2024

P.C. :

. Heard Mr. Joshi, learned counsel for the applicants and Mr. Shinde, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0913 of 2024 dated 06.10.2024 registered with Shikrapur Police Station, District - Pune (Rural), for offences under Sections 115(2), 118(1), 119(1), 137(2), 189(2), 190, 191(2), 351(2) and 352 of Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The applicants, amongst 28 accused persons in the present case, are alleged to have abducted and assaulted the victim - the first informant. The role of the applicants is stated by the first informant in respect of incident dated 05.10.2024.

4. The learned counsel for the applicants submits that the Sessions Court granted anticipatory bail to three co-accused persons, whose role could be said to be similar or identical to that of the applicants herein. It

is further submitted that even if the allegations levelled against the applicants are to be assessed independently, their role cannot be said to be such that their physical custody would be necessary. It is also submitted that the applicants are ready to co-operate with the investigation. It is fairly submitted that the applicant No.1 has criminal antecedents, although he has been acquitted in two cases and one case is pending against him. It is emphasized that the applicant No.2 has no criminal antecedents and that, this Court may consider allowing the application.

5. On the other hand, the learned APP relies upon the statement of the informant leading to registration of the FIR and he submits that specific overt acts are attributed to the applicants. Their presence is clearly established and in such circumstances, no indulgence may be shown to the applicants.

6. This Court has perused the statement of the informant leading to registration of the FIR. The statement gives detailed description of incidents that took place on 04.10.2024 and 05.10.2024. While describing the incident, which took place on 05.10.2024, the informant has not only stated names of the two applicants along with other accused in the present case, but specific overt acts are also attributed to them. It is alleged that the applicant No.1 assaulted the informant by way of fists and kicks and also specifically by using his *Kada*. As regards the applicant No.2, it is specifically stated that he used a fiber stick to assault the informant. This was in the backdrop of the informant having been abducted by the accused persons, including the applicants herein. There is also an allegation of certain cash amount and a gold chain having been snatched away from the informant.

7. The role of the applicants is sufficiently stated in detail and it cannot be said that omnibus allegations are made against them. As

regards anticipatory bail having been granted to three co-accused persons by the Sessions Court, this Court is of the opinion that the Sessions Court appreciated the material on record to distinguish the role of the applicants from that of the said co-accused persons, while granting them relief. No case is made out on the principle of parity.

8. In view of the above, the application is dismissed.

(MANISH PITALE, J.)

Minal Parab