

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3161 OF 2024**

1. Rohan Shivaji Shelar	...	
2. Shantanu Rohidas Narke	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO. 3162 OF 2024**

Tejas Bhausaheb Shinde	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi a/w. Mr. Yash Ganesh Fadtare for applicants in both applications.

Mr. Bapu V. Holambe-Patil, APP for respondent-State in ABA/3161/2024.

Mr. Mayur S. Sonavane, APP for respondent-State in ABA/3162/2024.

Mr. Amol Chavhan, H.C., Shikrapur Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 28th NOVEMBER, 2024**

P.C. :

. Heard learned counsel for the applicants and the learned APPs for the respondent-State.

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

3. The FIR was registered on the statement of the informant i.e. the victim, who alleged that he was picked up by the accused persons and taken to an isolated place, where the assailants, including the applicants, assaulted him.

4. The learned counsel for the applicants submitted that although this Court dismissed the anticipatory bail application of two accused persons yesterday (27.11.2024), the role of the applicants in these two applications, is distinguishable. It is submitted that as against the co-accused persons whose anticipatory bail application was dismissed, there was specific allegation about use of weapon and *prima facie*, this Court found that the injuries suffered by the victim, could be said to be corresponding to the use of weapons by the said co-accused persons.

5. It was submitted that an omnibus allegation regarding assault by fists and kicks, is made against the present applicants. On this basis, it is submitted that since the applicants are ready to co-operate with the investigation and also because a co-accused person, attributed with similar role i.e. Tejas Ballu Sagalgile (Jonty), was granted anticipatory bail by the Sessions Court, the present applications may be allowed.

6. On the other hand, the learned APPs pointed out that the presence and overt acts of the applicants Rohan Shivaji Shelar and Shantanu Rohidas Narke, are specifically mentioned in the statement of the informant. As regards the applicant Tejas Bhausaheb Shinde, attention of this Court is invited to the statement of witness one Dhamdhere, who has given the details of the nature of assault launched by the said applicant on the victim

from the spot where he was picked up by the co-accused persons. On this basis, it is submitted that the applications may be dismissed.

7. Having perused the material on record, in the light of the rival submissions, this Court finds that the role attributed to the applicants in these applications, is distinguishable from the role of the two co-accused persons whose anticipatory bail application was dismissed yesterday. While the said co-accused persons were alleged to be armed with weapons, while assaulting the victim (first informant), the role attributed to the applicants in these applications is general in nature and at worst, the allegation is about assault by means of fists and kicks. In fact, the name of applicant Tejas Bhausahab Shinde does not even find mention in the FIR. Even if the statement of the aforesaid witness is to be taken into consideration, it pertains to the alleged assault launched on the victim, before he was picked up from a particular spot. In that regard also, a general allegation is levelled against the said applicant regarding assault by fists and kicks.

8. In view of the above and in view of the undertaking given by the applicants that they are ready to co-operate with the investigation, this Court is inclined to allow the present applications.

9. The applications are allowed in the following terms:

- (i) In the event the applicants viz. Rohan Shivaji Shelar, Shantanu Rohidas Narke and Tejas Bhausahab Shinde are arrested in connection with FIR No.0913 of 2024 dated 06.10.2024, registered at Shikrapur Police Station, District Pune Rural, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each with one or two sureties in the like amount to the satisfaction of the Trial Court.

- (ii) The applicants shall remain present before the Investigating Officer on 30.11.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicants shall co-operate with the investigation and also in the proceedings before the Trial Court.

10. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

11. 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.

12. The applications stand disposed of.

(MANISH PITALE, J)

Priya Kambli