

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3315 OF 2024

Sanket Nandkumar Takawale ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Veerdhaval Kakade i/b. Mrunal Jadhav for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 10, 2024

P.C. :

. Heard Mr. Kakade, learned counsel for the applicant and Mr.Kulkarni, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0341 of 2024 dated 07.10.2024 registered with Saswad Police Station, District - Pune Rural, for offences under Sections 115(2), 118(1), 351(2), 351(3), 352 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The informant has alleged that the two accused persons, including the applicant herein, assaulted him on the date and time of the incident, which resulted in grievous injury.

4. The learned counsel for the applicant submits that even as per the statement of the informant, the only role attributed to the applicant is of having hit the victim i.e. the informant by his hands. It is submitted that therefore, the grievous injury cannot be attributable to the overt act alleged against the applicant.

5. The learned APP submits that in the present case, injury certificate indicates the grievous injury of fracture on the informant, and the presence of the applicant is also well established by the statement of the informant.

6. This Court is inclined to allow the application because even as per the statement of the informant, the only role attributed to the applicant is that, he used his hands to hit the informant, while the assault, by way of a wooden stick, is attributed to the co-accused person. *Prima facie*, the grievous injury suffered by the applicant appears to be the result of the overt act of the co-accused person. Therefore, the application can be allowed, subject to appropriate conditions.

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

- A. In the event the applicant is arrested in connection with FIR No.0341 of 2024 dated 07.10.2024 registered with Saswad Police Station, District - Pune Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 13.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this

order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)

Minal Parab