

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.3353 of 2024

1. Viky @ Vikesh Anand Andharekar
Age: 32 Years, Occ: service
R/o 1, Dahyabhai Chawl,
Paspoli, Chandshavli Darga Road,
Powai, Mumbai
2. Sandeep Kishore Adage
Age: 24 Yrs.,
R/o 1, Dahyabhai Chawl,
Paspoli, Chandshavli Darga Road,
Powai, Mumbai

...Applicants/Accused.

Vs.

The State of Maharashtra
(at the instance of Sr.Inspector of
Police, Jogeshwari Police Station,
Mumbai)

....Respondent.

Mr Pramod Pandey a/w Rahul Mishra for the applicants.
Mr Swapnil S Pednekar, APP for respondent/State.

**Coram : R.N.Laddha, J.
Date : 10 December 2024.**

P.C. :

Heard Mr Pramod Pandey, the learned Counsel
appearing on behalf of the applicant and Mr Swapnil
Pednekar, the learned Additional Public Prosecutor

representing respondent/State.

2. The applicants are apprehending their arrest in connection with CR No.858 of 2024, registered at Powai Police Station, Mumbai, accusing them of committing offences punishable under Sections 115, 118(2), and 352 read with 3(5) of Bharatiya Nyaya Sanhita, 2023, and Sections 25 and 4 of the Arms Act, 1959.

3. It is alleged that on 22 October 2024, the applicants and the co-accused in furtherance of their common intention assaulted the informant with a sickle.

4. The learned Counsel appearing on behalf of the applicants, submit that the applicant has been falsely implicated in the present crime. There are no allegations of use of any weapon by the applicants. The weapon allegedly used by the co-accused in the crime was already seized. The sole accusation against the applicants is that they assaulted the informant with fist and kick blows. The applicants are ready to cooperate with the investigation, and nothing is to be recovered from them.

5. On the other hand, the learned Additional Public

Prosecutor representing the respondent/State submit that the applicants and the co-accused in furtherance of their common intention assaulted the informant. The material on record disclose reasonable grounds to believe applicants' complicity in the crime. The learned APP, however, acknowledges that investigation is on the verge of completion and nothing is to be recovered from the applicants.

6. This Court has considered the material on record in light of the rival submissions. Upon perusing the records, it appears that the only allegation against the applicants is that they assaulted the witnesses, Santosh Dode and Ravindra Dode, with fist blows. The weapon allegedly used in the crime has already been recovered, and there are no allegations of use of weapon by the applicants. In respect of one and the same occurrence, two cross versions have been reported. In these circumstances, the custodial interrogation of the applicants does not seem to be warranted to facilitate the investigation. The apprehension of the prosecution that the applicants may tamper with the evidence or influence the witnesses can be taken care of by imposing appropriate conditions. Hence, the following order.

(i) In the event of the applicants' arrest in connection with CR No.858 of 2024, registered at Powai Police Station, Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]