

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3383 OF 2024**

Sandip Pralhad Wavage ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Ganesh Bhujbal for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. G. K. Kaspate, PSI, Walchand Nagar Police Station, District Pune.

CORAM : MANISH PITALE, J.

DATE : 14th DECEMBER, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0454 of 2024 dated 24.05.2024 registered with Indapur Police Station, District Pune Rural, for offences under Sections 143, 144, 147, 148, 149, 307, 341, 353, 427, 504, 506 read with 120-B of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Police Act, 1951.

3. The informant, in the present case, is the *Tahsildar*, who has alleged that, on the date and time of the incident, while he was in his official vehicle, performing official duty, five persons approached in another vehicle and by means of iron rods, broke the window pane of the vehicle of the informant and threw chilly powder on the informant as well as his driver. At this point, the driver reversed the vehicle and took the same towards police station, due to which the informant and the driver escaped from the clutches of the assailants.

4. The learned counsel for the applicant submits that in the present case, the name of the applicant is not stated in the FIR. Subsequently, the investigating authority has claimed that the applicant is involved in assisting the named accused persons in escaping from the spot of the incident. It is brought to the notice of this Court that another co-accused person Mahendra Nanasaheb Jagtap, whose name was also not stated in the FIR, was granted interim relief by this Court by order dated 04.12.2024 passed in Anticipatory Bail Application No.3241 of 2024. It is submitted that the applicant is ready to co-operate with the investigation.

5. On the other hand, the learned APP relies upon the statement of a witness, who has claimed that the applicant was present when the named accused persons had taken the said witness in a particular vehicle and they were discussing the manner in which they will be attacking the informant i.e. the *Tahsildar*. According to the learned APP, the involvement of the applicant has come to the fore during the course of investigation and his primary role appears to be that of the person assisting the named accused persons in escaping from the spot of the incident.

6. This Court is of the opinion that even according to the informant and the contents of the FIR, no overt act is attributed to the applicant as regards the incident, which led to registration of FIR. According to the investigating authority, his role has come to light during the course of investigation. Allegation appears to be that he assisted the named accused persons in escaping from the spot of the incident in a particular vehicle.

7. Considering the role attributed to the applicant, coupled with the fact that he was not even named in the FIR and also because he has undertaken to co-operate with the investigation, this Court is inclined to grant interim relief, while keeping the application pending.

8. In view of the above, there shall be interim relief in the following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0454 of 2024 dated 24.05.2024 registered with Indapur Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall appear before the investigating officer on 16.12.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the investigating officer.
- (c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

10. List on 10.01.2025, High on Board, to be tagged alongwith Anticipatory Bail Application No.3241 of 2024.

(MANISH PITALE, J)