

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3417 OF 2024**

Vishal @ Lalya Dilip Jadhav ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Tejas Hilage for applicant.

Mr. Prasanna P. Malshe, APP for respondent-State.

Mr. Santosh Mane, API, Wadgaon Police Station, District Kolhapur.

CORAM : MANISH PITALE, J.

DATE : 16th 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 the FIR No.0297 of 2024 dated 11.05.2024 registered at Wadgaon Police Station, District Kolhapur, for offences under Sections 307, 143, 147, 148, 149, 323, 336 and 120-B of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Motor Vehicles Rules, 1989.

3. The applicant is one of the 18 accused persons, who are named by the informant. The informant in the present case, has described incidents that occurred on 11.05.2024 at 01:30 p.m. and 03:20 p.m., wherein the accused persons allegedly assaulted the victims.

4. The learned counsel for the applicant, at the outset, relies upon two orders passed by this Court i.e. order dated 24.07.2024 passed in Anticipatory Bail Application Nos.1523 of 2024 and 1538

of 2024 as also order dated 09.09.2024 passed in Anticipatory Bail Application No.2274 of 2024, whereby this Court granted relief of anticipatory bail to three co-accused persons. The applicant is seeking relief on the principle of parity, contending that even if the statement of the informant is to be taken into consideration, the role attributed to the applicant is similar to that attributed to the aforesaid co-accused persons, who were granted relief by this Court. It is asserted that the allegations do not indicate use of any weapon by the applicant, although he is named and his presence is mentioned.

5. On the other hand, the learned APP submits that during the course of investigation, the statement of a witness, who is an Administrative Manager of the hospital, wherein the victims were admitted, shows that on the date of the incident i.e. on 11.05.2024 at about 04:15 p.m., the applicant was seen with some of the co-accused persons at the casualty room, where one of the victims was admitted. At that place also, the applicant was part of the team of accused persons, who assaulted the victim and therefore, his role is sufficiently made out. It is submitted that the CCTV footage also shows the presence of the applicant and that the applicant has as many as 9 other criminal cases pending against him, thereby showing that no indulgence can be shown to such an applicant.

6. This Court has perused the statement of the informant, leading to registration of FIR. In respect of both the incidents i.e. one which occurred at 01:30 p.m. and other one at 03:20 p.m., although the name of the applicant is stated by the informant as being one of the persons accompanying the other co-accused persons, there is no allegation of use of any weapon by the applicant. General and

omnibus statement is made with regard to the presence of the applicant and the assault carried out on the victims. In fact, with regard to the specific assault carried out @ 03:20 p.m, the informant has given the names of co-accused persons, who were armed with weapons and the manner in which they assaulted the victims. There is no reference to the applicant having assaulted in the aforesaid manner.

7. Even if the statement dated 13.05.2024 of the aforementioned Administrative Manager of the hospital, is to be taken into consideration, reference is made to a further alleged incident at 04:15 p.m. on 11.05.2024, when the applicant was present with some other co-accused persons at the casualty room, where one of the victims was admitted. Here again, the specific role attributed to the applicant does not show use of any weapon or any specific allegation about the applicant assaulting the victim.

8. In such a situation, the principle of parity ought to apply in favour of the applicant as the aforementioned applications of three co-accused persons were allowed by this Court, in the backdrop of similar allegations being made against them.

9. The applicant appears to have criminal antecedents. But this Court is informed that he was released on bail in all such cases. He has undertaken to co-operate with the investigation. Hence, the application deserves to be allowed.

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

- (i) In the event the applicant is arrested in connection with FIR No.0297 of 2024 dated 11.05.2024 registered at Wadgaon Police Station, District Kolhapur, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 18.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. 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.

13. The application stands disposed of.

(MANISH PITALE, J)