

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

Anticipatory Bail Application No. 3421 of 2024

Mandar Maruti Ranjankar
Age 26 years, R/at. Godavari
Bhavan, Shop No.4, Dattaram
Lad Marg, Chinchpokali,
Parel, Mumbai - 400 012.

... Applicant

Versus

The State of Maharashtra
(At the instance of Sr. Inspector of
Police, Dharavi Police Station, Mumbai)

... Respondent

Mr Pawan Mali, for the applicant.
Mr MG Patil, APP, for the respondent/ State.
API Waman Thakare, Dharavi Police Station, Mumbai, is
present.

**Coram: R.N. Laddha, J.
Date: 16 December 2024**

P.C.:

Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.229 of 2024, registered at Dharavi Police Station, Mumbai, for offences punishable under Sections 307, 323, 504, 506(2), 143, 147 and 149 of the Indian Penal Code and Sections 37(1) and 135 of the Maharashtra Police Act.

3. According to the prosecution, on 10 March 2024, at about 5:00 p.m., near Dharavi T-Junction Chowkie, the applicant along with the co-accused, formed an unlawful assembly, and with the intent to kill, assaulted the informant using an iron fist, knife, flower pots, and garbage drum.

4. Mr Pawan Mali, the learned Counsel appearing on behalf of the applicant, submits that the applicant is not named in the FIR. Six co-accused have already been arrested and released on bail. No specific role is attributed to the applicant in the present crime. As per the panchanama of CCTV footage, six to seven persons were seen assaulting the informant. However, the charge sheet against the co-accused alleges the involvement of eleven persons. The investigation is almost complete, and nothing is to be recovered from the applicant. Furthermore, the injuries sustained by the informant are simple in nature.

5. Mr MG Patil, the learned Additional Public Prosecutor representing respondent/State, submits that the applicant is clearly visible in the CCTV footage as one of the assailants. Eyewitnesses to the incident have specifically implicated the applicant in the present crime. The weapon used by the applicant is yet to be recovered. The offence was committed in prosecution of the common object of the unlawful assembly, of

which the applicant was a member and absence of overt act is not decisive. The co-accused were arrested and released on bail. The parameters for grant for regular bail and pre-arrest bail differ.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. The applicant has been identified as a member of the unlawful assembly, with a specific role attributed to him. The CCTV footage shows the applicant's active participation in the crime. Eyewitnesses have corroborated the applicant's active participation in the assault. The weapon allegedly used by the applicant has not yet been recovered. The offence was committed in prosecution of the common object of the unlawful assembly, of which the applicant was allegedly a member. Moreover, there are specific allegations of overt act against the applicant. Additionally, the applicant has criminal antecedents of a similar nature.

7. Given the above, this Court is not inclined to exercise discretion in favour of the applicant. As a result, the application stands rejected.

8. The application stands rejected.

[R.N. Laddha, J.]