

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3431 OF 2024

Amol Bandu Shilimkar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Mithilesh Mishra a/w Mr. Kunal Khopade, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 17th DECEMBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
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Date: 2024.12.17
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P. C. :

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

2. The applicant is apprehending arrest in connection with First Information Report No.0319 of 2024, dated 21st September, 2024, registered at Police Station Shirval, District Satara, for offences under Sections 109, 189(2), 190, 191(2), 191(3), 324(4), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR has been registered on a statement of the informant, who has described the incident in question where about 10-15 persons armed with weapons like stick, Hockey-stick etc., assaulted him and others. It is stated that when the informant was admitted to the hospital and the villagers came to see him, he was told that the assailants, included the applicant, his

brother and others.

4. The learned counsel for the applicant submits that although the applicant is named in the FIR, specific role is not attributed to him. It is submitted that the applicant does not have any criminal antecedents and he is ready to cooperate with the investigation.

5. The learned APP submits that the name of the applicant alongwith other accused persons is specifically stated in the FIR and no indulgence may be shown to the applicant.

6. This Court is of the opinion that although description of the incident does show that the informant and others persons were seriously injured in the assault, the informant has taken the name of the applicant only after he was told in the hospital that the applicant was one of the persons, who joined the group of 10-15 persons who allegedly assaulted him. This Court is of the opinion that while the application can be kept pending, interim relief can be granted, so that the applicant joins the investigation and cooperates with the investigation, *inter alia*, by surrendering his mobile phone etc.

7. In view of the above, there shall be interim order in the following terms:

(A) Till the next date, in the event the applicant is arrested in

connection with FIR No.0319 of 2024, dated 21st September, 2024, registered at Police Station Shirvaj, District Satara, he shall be released on bail on furnishing PR Bond of ₹ 25,000/-with one or two sureties in the like amount, to the satisfaction of the Trial Court.

- (B) The applicant shall remain present before the Investigating Officer on 19th December, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicant shall co-operate with the investigation, including surrendering his mobile phone.
- (D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

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

11. List for further consideration on 21st January, 2025, “High on Board.”

(MANISH PITALE, J.)