

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3436 OF 2024**

Abhijit Anil Koli	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat P. Joshi a/w. Mr. Ishan Paradkar and Mr. Yash Fadtare for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 18th DECEMBER, 2024**

P.C. :

1. 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.0342 of 2024 dated 23.11.2024 registered at Bhudargad Police Station, District Kolhapur, for offences under Sections 109, 61(2), 45, 189(1), 189(2), 189(3), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023; Sections 3(1), 4, 25 and 27 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

3. The statement of the informant, which led to registration of FIR, describes in graphic details as to the incident, which led to registration of FIR. The names of the persons present at the date and time of the incident have been mentioned and the overt acts attributed to them are also specifically stated in the aforesaid statement.

4. The learned counsel for the applicant submits that even if the entire contents of the statement are taken into account, although the applicant has been named as one of the accused persons, the description of the incident shows that even the presence of the applicant is not mentioned by the informant. It is further brought to the notice of this Court that one of the co-accused persons is informant in a cross-FIR bearing No.0344 registered at the very same police station, wherein the said co-accused person has stated that he was actually injured in the said incident. On this basis, it is submitted that since the applicant is ready to co-operate with the investigation, this Court may consider allowing the present application.

5. On the other hand, the learned APP opposed the present application. It is submitted that the incident has arisen out of rivalry between the two parties and in that backdrop, the role of the applicant has been sufficiently stated.

6. Having taken into account the documents on record and in the light of the rival submissions, this Court is inclined to allow the present application. A perusal of the statement of the informant shows that insofar as the incident in the present case is concerned, although the names of the co-accused persons have been stated, the name of the applicant is missing. There is no mention at all of the presence of the applicant during the said incident and therefore, this Court finds that a *prima facie* case is made out in favour of the applicant. It is also relevant that there is cross-FIR with regard to the very same incident and even according to the informant, bullets were fired from country-made pistols by members of both the parties. The applicant has made out a case for granting anticipatory bail.

7. 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.0342 of 2024 dated 23.11.2024 registered at Bhudargad Police Station, District Kolhapur, 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.
- (ii) The applicant shall remain present before the Investigating Officer on 20.12.2024 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.

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

9. It is 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.

10. The application stands disposed of.

(MANISH PITALE, J)