

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3457 OF 2024

Anand Raju Reddy ... Applicant

Vs.

State of Maharashtra and another ... Respondents

Mr. Salman K. Pathan a/w. Mr. Nauman A. Pathan and S. K. Nasarjung for Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 19, 2024

P.C. :

. Heard Mr. Pathan, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0173 of 2024 dated 10.11.2024 registered with Koregaon Park Police Station, District - Pune City, for offences under Sections 109, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant, in his statement, which led to registration of the FIR, alleged that the applicant and co-accused person assaulted him by using 'fighter'. This caused injuries on his face.

4. The learned counsel for the applicant submits that, even before the Sessions Court, the informant himself had given an affidavit that he has no objection to relief being granted to the applicant. It is further submitted that the nature of injuries may also be taken into consideration.

5. The learned APP submits that the statement of the informant was recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita,

2023 (BNSS) dated 10.12.2024 before the Magistrate, where the informant has completely absolved the accused persons.

6. This Court has perused the aforesaid material on record. The injury certificate shows that there was a simple injury on the face of the informant. The contents of the sworn statement of the informant recorded under Section 183 of the BNSS amply makes it clear that, the informant has absolved both the accused persons, including the applicant. Therefore, the present application can be allowed.

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

- A. In the event the applicant is arrested in connection with FIR No.0173 of 2024 dated 10.11.2024 registered with Koregaon Park Police Station, District - Pune City, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)