

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

Anticipatory Bail Application No.3502 of 2024

Kaustubh Prakash Bhoir
Aged 27 years, Occ. Business,
R/at. Bhopivali Road,
Mu-Post-Khariwali, Khariwali,
Tarf Kohoj Wada, Thane, Vada,
Maharashtra.

... Applicant

Versus

The State of Maharashtra
Through Kasara Police Station.

... Respondent

Mr VV Bombarde a/w Mr Rajesh Darvesh a/w Mr Ganesh
Darvesh, for the applicant.

Mr Yogesh Y Dabke, APP, for the respondent/ State.

API RC Kadam, Kasara Police Station, Thane Gramin.

Coram: R.N. Laddha, J.

Date: 20 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.158 of 2024, registered at Kasara Police Station, Thane Gramin, for offences punishable under Sections 352, 351(2), 309, 142, 133, 115(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of prosecution that on 17 October 2024, the applicant, in connivance with the co-accused, threatened and assaulted the informant using a steel *Kada*. Additionally, they snatched Rs.850/- and a mobile phone worth Rs.30,000/- from the informant.

3. Mr VV Bombarde, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime. He points out the delay in filing the FIR and asserts that the applicant did not use any weapon as claimed. The applicant is willing to cooperate with the investigation and has no criminal antecedents.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, submits that there are specific allegations against the applicant/accused that he assaulted the informant with a 'Kada' and took cash amounting to Rs.850/- and a mobile phone worth Rs.30,000/- from him. A specific role has been attributed to the applicant. The weapon used by the applicant is yet to be recovered. The investigation is in progress.

5. Upon perusing the records, it appears that there is material available on record to *prima facie* show that the applicant assaulted the informant using a 'Kada'. The weapon

allegedly used in the crime, as well as the mobile phone purportedly snatched by the applicant, are yet to be recovered. There are eyewitnesses to the incident who have corroborated the informant's account. The applicant is named in the FIR, with a clear role attributed to him that he assaulted the informant with the 'Kada', resulting in injury to his head. The investigation is in progress. Given the above, this Court is not inclined to exercise discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]