



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 1695 OF 2024

ANIKET RAOSAHEB HIVALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Abid R. Shaikh
APP for Respondent/State: Ms. Neha B. Kamble
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 27.03.2025

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 Crime No.0354/2024, registered at Mukundwadi Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under Sections 109, 3(5) of the Bharatiya Nyaya Sanhita.

3] This court by order dated 07.10.2024 granted interim protection to the applicant noticing submissions at para 3, as under:

“3. Learned counsel for the applicant has drawn attention of this Court to the first information report, wherein it is stated that two accused came with knife and started assaulting the

informant. According to him, there is a specific statement made in the report about the applicant coming to the spot subsequently. Thus, it is his submission that the act of the co-accused of assaulting the informant with knife, can not be attributed to the present applicant. It is his submission that the allegation in the first information report against the applicant is about beating the informant with kick and fist blows.”

4] The learned counsel for the applicant submits that thereafter the applicant has cooperated with the investigation.

5] The learned APP points out that there are antecedents against the applicant.

6] Primarily, it is noticed that after the assault, which took place on 05.09.2024, at 08:30 p.m., on the informant by means of knife by the co-accused and that the present applicant reached the spot subsequently. It is also stated that the applicant has also scuffled with the informant thereafter. Considering that there is no involvement of the applicant as far as the assault is concerned, the interim protection granted earlier to the applicant can be confirmed.

7] In view of the above, the interim protection granted by order dated 07.10.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] 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.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

iv] The applicant shall not involve in any other similar offences.

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 also 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.

[ARUN R. PEDNEKER]
JUDGE