



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

ANTICIPATORY BAIL APPLICATION NO.198 OF 2025

NILESH PRAKASH WAYDANDE

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Adv. R. P. Pawar a/w. Adv. Samiksha Pawar for the applicant.
Mr. Anand S. Shalgaonkar, APP for the State.
HC 2077 Zakir Kazi, Miraj Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : JANUARY 30, 2025.

P.C. :

1. This is the application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with C.R.No.129/2024 registered at Miraj City Police Station, for the offences punishable under Section 307, 364, 324, 323, 504, 506, 143, 147, 148 read with 149 of the Indian Penal Code.

2. It is the case of the prosecution that out of the nine accused, eight have been arrested and released on bail by the Trial Court. As for the present applicant, he has not yet been arrested, and in order to record his statement, his custody is necessary. It is the prosecution

case that the informant was childhood friend of nine accused persons. Around two months back from the date of the incident, the informant being a friend had made attempts to settle the dispute between the accused persons and three other co-accused on one hand and the friends of the informant on the other hand. However, the accused persons had grudge against the informant since he made an attempt to settle the dispute between the two parties. Therefore, on 30th March 2024, at around 7:00 p.m., the applicant (Nilesh Waydande), along with co-accused Sagar and Mahesh, approached the informant and asked how he had taken the initiative to settle the said call. Before the informant could understand anything, they started assaulting the informant. The present applicant assaulted the informant on his head with iron rod. The co-accused Sagar and Mahesh took the informant forcibly to Indiranagar on motorcycle where again the present applicant assaulted the informant with iron rod on his left arm and leg. The co-accused Sagar inflicted the knife blow near the waist of the informant and made a statement that they would not leave the informant. When the co-accused Sagar assaulted him with iron pipe on his right leg and co-accused Om assaulted the informant on his back with stone, due to the injuries, the informant fell down. Thereafter, the accused persons abused and assaulted the

informant with fist and kick blows. The informant was, thereafter, taken for medical treatment at Bharati Hospital, Miraj. While in the hospital, he gave the statement to police and on the basis of his statement, the FIR was allowed.

3. The learned counsel for the applicant submits that no role has been attributed to the present applicant, who has no criminal antecedents. He further submitted that all the other accused have been arrested and released on bail by the Trial Court, and therefore, there is little to be gained from detaining the present applicant, who should be granted anticipatory bail.

4. The learned APP submitted that there are criminal antecedents against the applicant viz. (1) C.R.No95/2021 under Sections 307, 325 of the Indian Penal Code read with Section 37(1)(ii) of the Maharashtra Control of Organised Crime Act read with Section 135 of the Arms Act, (2) C.R. No.266/2021 under Section 420 of the Indian Penal Code and (3) C.R.No.313/2023 under Sections 354, 323, 504, 506 of the Indian Penal Code.

5. The statements of the mother and friend of the informant under Section 164 of the Code of Criminal Procedure were recorded as the eye witnesses and they have specifically mentioned the name

of the present applicant. He submitted that the Sessions Court has already rejected the anticipatory bail application of the present applicant. Therefore, he submitted that the present application should be rejected.

6. I have heard the learned counsel for the applicant and the learned APP for the State. I have also gone through the FIR and the statements recorded. So also, I have gone through the order passed by the Sessions Court.

7. In my opinion, a specific role has been attributed to the applicant in the present case, along with the fact that three criminal antecedents have been reported against him. Taking into consideration the statements of three eyewitnesses recorded under Section 164 of the Code of Criminal Procedure, no case has been made out for granting anticipatory bail to the present applicant.

8. In view of the above, the anticipatory bail application stands rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)