

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3585 OF 2024**

1. Mahesh Balu Ghate
2. Ganesh Balu Ghate
3. Satish Sanjay Pawar ...Applicants

Versus

The State of Maharashtra ...Respondent

....

Mr. Rohan Hogle a/w Mr. Hemant S. Bagate, Advocate for the Applicants.

Mr. C. D. Mali, A.P.P. for the Respondent – State.

Mr. V. M. Jadhav (Head Constable), Mahalunge MIDC Police Station, Pune, Present.

....

CORAM : N. R. BORKAR, J.
DATE : 7th JANUARY, 2025.

P.C.:

1. This is an application for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No. 769 of 2024 registered with Mahalunge MIDC Police Station, Tal. Khed, Dist – Pune for offences punishable under Sections 118(1), 115, 352, 351(2), r/w 3(5) of Bhartiya Nyaya Sanhita, 2023.
3. According to the prosecution, on the date of incident, which took place on on 08-11-2024, the present applicants assaulted the complainant and his brother by axe handle and stone on account of some previous dispute, which took place between the complainant and applicant No.1 on the very same day.

4. I have heard the learned counsel for the applicants and learned APP for the respondent State.

5. The learned counsel for the applicants submit that the incident is not premeditated as there was no previous enmity between the complainant and the applicant No.1. It is submitted that there are no other criminal antecedents against the applicants. It is submitted that the applicants are ready to cooperate in the investigation.

6. On the other hand, learned APP for the respondent - State submits that the recovery of handle of axe is to be made. It is submitted that even test identification parade is to be conducted. It is thus submitted that the custodial interrogation of the applicants is necessary.

7. I have perused the injury certificates. Injuries are simple in nature. *Prima facie*, the incident does not appear to be premeditated. Considering these facts and as there are no other criminal antecedents against the present applicants, I am inclined to release them on anticipatory bail. In the result, the following order is passed:

ORDER

(i) Anticipatory Bail Application is allowed;

(ii) In the event of arrest of the applicants in connection with Crime No. 769 of 2024 registered with Mahalunge MIDC Police Station, Tal. Khed, Dist – Pune for offences punishable under Sections 118(1), 115, 352, 351(2), r/w 3(5) of Bhartiya Nyaya Sanhita, 2023, they be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(iii) The applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.

(iv) After filing of charge-sheet, the applicants shall attend the concerned Police Station once in a month i.e., on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

(N. R. BORKAR, J.)