

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3610 OF 2024

Rohit S. Gaikwad ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Nitesh Mohite for the Applicant.
Ms Ranjana D. Humane, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 09.01.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.333 of 2024 registered at Nigdi Police Station, Pimpri - Chinchwad for the offences punishable under Sections 109, 189(2), 191 (3), 190, 115(2), 351(3), 352 of the Bharatiya Nyaya Sanhitha (BNS) and Section 37(1)(3) read with 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 16.07.2024, the present applicant and other co-accused assaulted the complainant Imtiyaz Shaikh by iron rod and sticks and attempted to commit his murder, due to previous enmity.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the motive for the alleged crime is not attributed to the present applicant. It is submitted according to the complainant, he was assaulted by co-accused Yashraj Shelar and four unknown persons. It is submitted that the prosecution has already filed the charge-sheet and thus there is no need of custodial interrogation.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in one more crime for the offences under Sections 364 and 394 of the Indian Penal Code. It is submitted that in supplementary statement recorded on 24.09.2024, the complainant has attributed motive to the present applicant also.

7. I have perused the FIR lodged by the complainant Imtiyaz Shaikh. The motive for the alleged assault is attributed to co-accused Yashraj. The complainant has stated that he was assaulted by Yashraj and four other unknown persons. However, in his supplementary statement recorded on 24.09.2024, i.e., after two months he has stated the present applicant was also one of the assailants. If the present applicant was known to the complainant, then it is not understood as to why his name was not mentioned at the time of lodging of the FIR. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) In the event of arrest of applicant in C.R. No. 333 of 2024 registered at Nigdi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 109, 189(2), 191 (3), 190, 115(2), 351(3), 352 of the BNS and Section 37(1)(3) read with 135 of the Maharashtra Police Act, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer to enable him to file the supplementary charge-sheet against him.
- D] The applicant shall attend the concerned police station once in a month, i.e., on 1st Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

[N.R.BORKAR, J.]