

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

ANTICIPATORY BAIL APPLICATION NO. 23 OF 2025

Umesh Vishnu Vakale

.Applicant

vs.

The State of Maharashtra

.Respondent

Mr. Rahul Shelke a/w. Mr. Akshay Bansode, Advocate, for the Applicant
Mr. Mayur S. Sonawane, APP, for the Respondent – State
Mr. A. S. Takawale, PSI, Chitalsar Manpada Police Station, Thane
present

CORAM : MILIND N. JADHAV, J.

DATE : 07.01.2025

P. C.

1. Heard Mr. Shelke, learned Advocate for the Applicant and Mr. Sonawane, learned APP for the Respondent – State.
2. By this application, the Applicant apprehends arrest in connection with C.R. No. 923 of 2024 registered with the Chitalsar Manpada Police Station, Thane, for the alleged offences punishable under Sections 115(2), 118(1), 74, 79 & 352 of the Bharatiya Nyaya Sanhita, 2023.
3. The incident in question happens to be between childhood friends. It is divided into two facts. Firstly, at about 8.00 p. m. at night, there was verbal altercation when the Applicant and the Complainant

crossed each other and at about 8.20 p. m. at night near the house of the Applicant/Accused, the Applicant is alleged to have been abused and assaulted by the Complainant. It appears that the Complainant because of the precursor incident of verbal altercation along with his father visited the house of the Applicant and the allegation is that further altercation took place between the parties leading to a scuffle resulting into the allegation that the Applicant gave some blows by a bamboo stick on the leg of the father of the Complainant. The allegation is also of inflicting fist and kick blows. The precursor incident took place at about 8.00 p. m. at night and the second incident took place at about 8.20 p. m. at night. One of the allegation is that when mother of the Complainant attempted to intervene, the Applicant in a fit of anger pulled her aside by holding on her hair and did not allow her to intervene in the scuffle. Insofar as injury caused on the leg of the father of the Complainant is concerned, it is seen that father of the Complainant being aggrieved with the earlier incident at 8.00 p. m. went to the house of the Complainant to question him about the same and that is when further verbal altercation took place between the parties which escalated. It is seen that several neighbours gathered at the spot of the incident to quell the scuffle between the parties. Though it is alleged that bamboo stick was used to inflict blow on the leg of the

father of the Complainant, Medical Certificate is still awaited and is not placed before me.

4. *Prima facie*, looking at the fact that there are no criminal antecedents whatsoever against the Applicant, the Applicant, being a college student and considering the nature of allegations due to the incidents stated above without any premeditation, the Applicant is granted pre-arrest bail on the following terms and conditions :

O R D E R

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.5,000/- with one or two solvent sureties in the like amount;
- (ii) The Applicant is directed to attend the concerned Police Station as and when called for by the investigating officer;
- (iii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) If there is a breach of any of the aforesaid conditions, the

prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)