

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

ANTICIPATORY BAIL APPLICATION NO. 119 OF 2025

1. Ashish Rajesh Dalod
2. Siddharth Suresh Dalod
3. Sanny Dharmvir Hatwal ...Applicants
Versus
The State of Maharashtra ...Respondent

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Mr. Pratik Kalantri, Advocate for the Applicants.

Ms. Geeta Mulekar, A.P.P. for the Respondent – State.

Mr. R. R. Shelke, Indira Nagar Police Station, present.

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CORAM : N. R. BORKAR, J.
DATE : 16th JANUARY, 2025.

P.C.:

1. The learned counsel for the Applicants on instructions seeks leave to withdraw the present application in respect of Applicant No.2.

2. The Applicant Nos.1 & 3 are apprehending their arrest in Crime No.317 of 2024 registered at Indira Nagar Police Station, Dist.Nashik for the offences punishable under Sections 109, 115, 352, 351(2) 351(3), 3(5) of the Bhartiya

Nyaya Sanhita, 2023 and Section 135 of the Bombay Police Act.

3. According to the prosecution, on the date of incident, which took place on 08.10.2024, Applicant Nos.1 and 3 along with other co-accused came to the house of the injured Samrat Gaikwad and assaulted him by hockey stick etc. and attempted to commit his murder, on account of previous dispute.

4. I have heard the learned counsel for the Applicants and the learned A.P.P for the Respondent-State.

5. Learned counsel for the Applicant Nos. 1 and 3 submits that in the incident in question no overt act is attributed to the Applicant Nos.1 and 3. It is submitted that nothing is to be recovered from the Applicant Nos.1 and 3 and therefore, their custodial interrogation is not necessary.

6. On the other hand learned A.P.P for the Respondent-State submits that the injured was brutally assaulted. It is submitted that, the Applicant No.3 is involved in one more crime for offences under Sections 74, 115(2), 351(3), 352 & 3(5) of the BNS. It is submitted that considering the nature of

offence, the Applicant Nos.1 and 3 may not be released on anticipatory bail.

7. I have perused the First Information Report. The First Informant who is an eye-witness to the incident has not attributed any overt act to the Applicant Nos.1 and 3. Nothing is to be recovered from them. In that view of the matter, I am inclined to release the Applicant Nos.1 and 3 on anticipatory bail.

ORDER

- (i) Anticipatory Bail Application is partly allowed;
- (ii) The application qua Applicant No.2 is dismissed as withdrawn;
- (iii) In the event of arrest of the Applicant Nos.1 and 3 in connection with Crime No.317 of 2024 registered at Indira Nagar Police Station, Dist.Nashik for the offences punishable under Sections 109, 115, 352, 351(2) 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 135 of the Bombay Police Act, the Applicant Nos.1 and 3 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;
- (iv) The Applicant Nos.1 and 3 shall attend the

concerned Police Station as and when called by the Investigating Officer and shall co-operate with the Investigation.

(v) Anticipatory Bail Application stands disposed of accordingly.

(N. R. BORKAR, J.)