

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

ANTICIPATORY BAIL APPLICATION NO. 208 OF 2025

Shubham Sunil Mutyal

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Pranav Bhoite i/b Mr. Ghanasham Jadhav, for Applicant.
- P.P. Devkar, APP for Respondent.
- Mr. S.K. Chavan, PSI, Shirur Police Station, present.

CORAM : MANISH PITALE, J.

DATE : 04th FEBRUARY, 2025

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0811 of 2024 dated 3rd October, 2024, registered at Police Station Shirur, District Pune, for offences under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

3. The informant approached the Police after he was assaulted by two co-accused persons by means of *koyta*. It is alleged that the two co-accused persons, who were assailants, had assaulted the informant at the behest of the applicant, who is a Police Constable and his mother

4. At the outset, the learned counsel for the applicant submits that co-accused person i.e. the mother of the applicant was granted anticipatory bail by this Court by an order dated 03rd December, 2024, passed in Anticipatory Bail Application No.3223 of 2024. It is submitted that the role attributed to the said co-accused person is identical to the role alleged against the applicant herein and therefore, the principle of parity ought to operate in favour of the applicant. It is further submitted that other than an allegation that the co-accused person stated that victim was being assaulted at the behest of the applicant, there is no other incriminating material against the applicant. It is submitted that there is no question of recoveries from the applicant.

5. The learned APP, on the other hand submitted that, the co-accused persons, who actually carried out the assault, have stated that it was done at the behest of the applicant and his mother. It was submitted that the co-accused mother of the applicant being granted anticipatory bail by this Court is a matter of record.

6. This Court has considered the statement of the first informant, leading to registration of the FIR. It shows that co-accused persons, who were actually at the spot of the incident, allegedly threatened the first informant by means of firearm and thereafter they assaulted him by means of *koyta*. It is alleged by the informant that one of the co-accused persons claimed that the

aforesaid assault was being carried out on the directions of the applicant and his mother. It is an admitted position that the mother of the applicant was granted anticipatory bail by this Court by the aforesaid order. The role attributed to the applicant herein is identical to that of the co-accused i.e. his mother.

7. By the very nature of the allegations, it is found that there is no overt act attributed to the applicant and there is no question of recovery of weapons. Therefore, it appears that, other than the claim made by the co-accused person, which is also a version of the incident claimed by the first informant, there is no material against the applicant. Hence, this Court finds that the applicant has made out a case in his favour in the present application.

8. In view of the above, the application is allowed in the following terms:

- (A) In the event, the applicant is arrested in connection with FIR No.0811 of 2024 dated 3rd October, 2024, registered at Police Station Shirur, District Pune, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating

Officer on 06th February, 2025, between 10:00 a.m. and 12:00 noon and thereafter as and when required by the Investigating Officer.

- (C) The applicant shall co-operate with the investigation.
- (D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

11. The application is disposed of.

(MANISH PITALE, J.)