

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.293 OF 2025

Rohan Abhay Kadu

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Vinay J. Bhanushali, Advocate for Applicant.
- Mr. Dinesh J. Haldankar, APP for Respondent – State of Maharashtra.
- PSI – R. V. Salvi, Kalwa Police Station.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 05, 2025

P.C.:

1. Heard Mr. Bhanushali, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent – State of Maharashtra.

2. Present Anticipatory Bail Application is filed in connection with First Information Report No.1591 of 2024 (for short '**FIR**') which is appended at page No.20 registered with Kalwa Police Station for the offences punishable under Section 189(2), 190, 191(2), 191(3), 118(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**') read with Sections 37(1) and 135 of Maharashtra Police Act, 1951.

3. While allowing Anticipatory Bail Application No.17 of 2025 of Accused No.1 vide order dated 07.01.2025, this Court on appreciating the FIR and witness statements has noted that role of present Applicant – Accused No.2 before me was identical and similar

to Accused No.1. It is seen from FIR at page No.25-B that Applicant was instrumental in pulling the persons of rival group from inside their car and inflicting fist blows on them. As can be seen the unsavory incident happened on the eve of elections on the preceding intervening night before election day between members of two rival political groups.

4. It is seen that the First Informant alongwith his group members arrived in two cars at office of Accused No.1 situated in Keshav Heights, Parsiknagar at about 01:15 a.m. at midnight. There was large group of people assembled in office of Accused No.1 and at that time members of First Informant group alighted from the car and shouted at the people who had assembled to disperse. It is seen that as members of First Informant were about to leave that place they were initially abused followed by verbal altercation between Applicant's group members and that led to scuffle between the two groups. In that scuffle both groups hurled stones on each other and damaged vehicles and assaulted members of each group. Needless to state that record shows that members of both groups who were injured received treatment in the hospital pursuant to the incident.

5. Mr. Haldankar, learned APP would draw my attention to the FIR and would submit that role of Applicant has been specifically depicted in he having forcibly removed the members of Informant's

group from car and have assaulted them with fist blows. However, he would fairly submit that from reading of the FIR, it is not ascertained as to who inflicted blows on whom and the same is not clearly evident from the material on record. He would submit that Court will have to look at the nature of injuries which were caused, some of which are grievous and accordingly consider the present Application. He would submit that *prima facie* considering the grievous injuries inflicted on the members of Informant's group, this Court should reject the Application and allow the prosecution to take Applicant in custody for further investigation.

6. With the able assistance of Mr. Bhanushali, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent – State of Maharashtra, I have perused the material available on record in the present case. Submissions made by them have received due consideration of this Court.

7. There is no doubt that role of present Applicant before me is clearly akin to the role of Accused No.1 who has been granted Anticipatory Bail by this Court by reasoned order dated 07.01.2025 rather *prima facie*, it is seen that role of present Applicant would be much lesser than role of Accused No.1 since only role attributable to the present Applicant is to pull members of rival group from inside the car and inflict fist blows on them.

8. Considering the role attributable to Applicant before me from record of the case, the custodial interrogation of Applicant is not required. Needless to state that he shall co-operate and assist in the investigation to which extent Application can be allowed and appropriate conditions can be laid down . Any refracton shall entail to cancellation of this order and prosecution can approach this Court immediately for cancellation of the order. Hence, the following order:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer at concerned Police Station, on the first Monday of every month between 10:00 a.m. to 12:00 noon until filing of charge-sheet and thereafter as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;
- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and

(v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

9. Parties to act on a server copy of this order.

10. Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.02.05
18:54:35 +0530