

ANTICIPATORY BAIL APPLICATION NO. 299/2025

Adv. Pratik Kalantri a/w. Adv. Renuka Shukla, Adv. Deepali K., Adv. Prabhakar Shinde for applicants.
Mr. A. S. Shalgaonkar, APP for State.
Adv. Kuldeep Nikam a/w. Adv. Om Latpate for respondent no.2.

DATE : APRIL 21, 2025.

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.26/2025 registered with the Yeola Police Station, Nashik Rural, for the offence punishable under Sections 115(2), 118(1), 351(2), 351(3), 352 of the Bhartiya Nyaya Sanhita, 2023.

2. The learned APP submits that from the CCTV footage it can be seen that applicant no.2 (accused no.2) was present at the site along with bamboo stick. Applicant no.1 is not seen in the CCTV footage, however, his tower location shows that he was present near the site.

3. Since applicant no.1 is not seen in the CCTV footage, according to me, there is no much role of applicant no.1 in the present crime which is alleged to have been committed, therefore, the pre-arrest bail application of applicant no.1 can be allowed.

4. As far as applicant no.3 is concerned, the learned APP, on instructions, submits that the name of applicant no.3 be deleted from the present crime as appeal has already been preferred by the State. Therefore, according to me, the pre-arrest bail application of applicant no.3 can be allowed.

5. As far as applicant no.2 is concerned, who according to the learned APP, is seen in the CCTV footage with bamboo stick. From the medical report which is brought on record it can be seen that there is injury to the finger of the victim. There is no injury on the vital part of the victim. The son of applicant no.1 has died. There is a crime registered against the informant and his family members for the offence punishable under Sections 302, 323, 347, 342, 504, 506 read with 34 of the Indian Penal Code. Two accused persons in the said crime have been granted regular bail and one of the accused is still behind bars. Therefore, there is animosity between two groups. The present crime is reiteration of the earlier crime of the party. The

allegation made in the present FIR needs to be investigated. In my view, *prima facie*, the present pre-arrest bail application needs to be allowed with stringent conditions on the applicants. Hence, the following order.

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No.26/2025 registered with the Yeola Police Station, Nashik Rural, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.15,000/- each with one or two sureties each of the like amount.
- (c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (d) The applicants shall furnish details of their residential addresses, contact numbers and email addresses to the Investigating Officer.
- (e) The applicant no.2 shall attend the concerned police station and meet the IO in every week on Monday's and Thursday's between 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet.

6. Needless to say that violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

7. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)