



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

ANTICIPATORY BAIL APPLICATION NO. 468 OF 2025

ANIKET ANANT PALKAR

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Kalpesh U. Patil for the Applicant.

Adv. Avinash A. Naik, APP for the State.

API S. S. Jadhav Karad Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 25, 2025

P.C.:

1. By this application, the applicant/accused is seeking pre-arrest bail in C. R. No.1465 of 2024 registered with Karad City Police Station under Sections 309(6), 351(2) 352 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 29 October, 2024 at about 9.15 pm as the informant was proceeding on Malkapur-Jakhinwadi road in the village limits of Jakhinwadi Taluka Karad. At that time he was carrying cash amount of Rs. 10,000/- which was meant to be paid as an installment of loan amount. When the informant came on Jakhinwadi road, the present applicant stopped him and started abusing and forcibly removed the cash amount of Rs. 10,000/- from the pocket of the pant of the informant. He also hit the informant

with brick due to which, the informant sustained injuries. The applicant thereafter left the site. The informant called for help from his friends Mukesh and Mehboob Patan, through them he went to hospital and took treatment. Thereafter the informant lodge the FIR.

3. Learned counsel for the applicant submits that the injuries sustained by the informant are simple in nature. The allegation of assault by brick is totally untrue. There is an unexplained delay of 40 hours in lodging the FIR. There is no eyewitness to the incident as alleged. The ingredients of the offence punishable under section 309(6) of the Bharatiya Nyaya Sanhita, 2023 is not attributed. Though there is some antecedents of the applicant, as of today, the applicant is on bail in those offences. As regards the offence of POCSO, the applicant has married with the victim girl. The brick as alleged has been recovered by the Investigating Officer. No purpose will be served to keep the applicant behind bar. The applicant is ready to deposit a sum of Rs. 10,000/- in the trial Court. The applicant will abide by the conditions impose while granting bail. The applicant is ready to remain outside the jurisdiction of the concerned police station.

4. Learned APP has opposed this application. He submits that there are five crimes registered against the present applicant. He is a habitual offender and strict approach should be taken against such person.

5. I have heard counsel for both sides and have gone through the FIR and documents placed on record. The weapon used in the present crime i.e. the brick has been recovered. The applicant is ready to deposit Rs. 10,000/- in the trial Court. The applicant is ready to make a statement that he will not commit any other crime. The injuries suffered by the first informant is not serious in nature. Taking into consideration the factual aspect, according to me a case is made out to grant the anticipatory bail application. Hence, I pass the following order.

Order

- (i) Anticipatory Bail Application is allowed.
- (ii) In the event of arrest, the applicant be released on bail in C.R. No. 1465/2024 registered with Karad City Police Station on furnishing a PR bond of the sum of Rs. 30,000/- (thirty thousand only) and one or two sureties in the like amount to the satisfaction of the jurisdictional Court.
- (iii) The applicant should deposit a sum of Rs. 10,000/- in the trial Court within a period of four weeks from today.
- (iv) The applicant shall mark his presence at Karad City Police Station on every 15th day of the month between 11.00 am to 1.00 pm for a period of two years or till the conclusion of the trial, whichever is earlier.

(v) The applicant should not interfere in the investigation and will remain outside the jurisdiction of the concerned police station till the conclusion of the trial.

(vi) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(vii) On being released on bail, the applicant shall furnish him contact number, E-mail id and residential address to the investigating Officer and shall keep him updated, in case there is any change.

(viii) The applicant shall not indulge himself in any other crime in the future.

(ix) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influence by any of the observations made hereinabove.

6. **Anticipatory Bail Application is accordingly disposed of.**

(RAJESH S. PATIL, J.)

This order is corrected pursuant to speaking to minutes order dated 27/03/2025.