

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CRIMINAL APPELLATE JURISDICTION***

**ANTICIPATORY BAIL APPLICATION NO. 474 OF 2025**

**Harsh Narayan Yengade**

**..... Applicant**

**VERSUS**

**State of Maharashtra**

**..... Respondent**

Mr.Narayan Gopinath Rokade a/w. Mr.Siddharth R. Ghodke, Mr. Abhang Suryawanshi, Mr. Harishchandra Jadhav, Mr. Udaysinh Deshmukh, Mr. Vikrant Kadam for the Applicant.

Mr. Ajay S. Patil, A.P.P for the State.

Mr. Dinkar Laxman Waghere, P.S.I., Ozar Police Station, Nashik present.

**CORAM : RAJESH S. PATIL, J.**

**DATE : 25<sup>th</sup> FEBRUARY, 2025**

**P.C. :-**

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0160 dated 3<sup>rd</sup> August, 2024 registered with Ozar Police Station, Nashik Rural for the offence punishable under Sections 109, 115(2), 118(1), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190, 324(4) and 324(5) of the Bharatiya

Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the present applicant with other accused persons in a trivial issue of volume of a mobile phone being loud conflict arose due to which the other accused person came at site and they started hitting the informant and his brother. The FIR mainly records the role of Avinash Thorat, Dadarao and Ashpak. The accused Avinash Thorat and accused Ashpak have been granted regular bail. In total there are eight accused, out of four accused have been arrested and accused nos. 4 and 6 have been granted anticipatory bail.

3. It is the case of the applicant that there are no antecedents of the present applicant. He is ready to comply with the conditions, if any, imposed by this Court and he will attend the concerned police station as and when called for. He is a labourer, working as sweeper in Nagar Parishad. There was no motive or intention to kill the victim. Therefore, he prays that the pre-

arrest bail be granted to the present applicant.

4. Learned A.P.P. submits that though the weapons used in crime are recovered, few accused are absconding. The present applicant has chose to remain absent. He had filed till now three anticipatory bail applications before the Sessions Court. All of them are either rejected or withdrawn by the present applicant. The present anticipatory bail application is filed in the High Court for the first time. The custody of the present applicant is necessary in order to make further investigation.

5. I have heard learned counsel for both the sides and I have gone through the contents of the FIR and other documents on record.

6. There are no antecedents as far as this applicant is concerned. On 24<sup>th</sup> January, 2025, the second bail application filed by the present applicant was rejected by the Sessions Court. However, the anticipatory bail application filed by the accused

nos. 4 and 6 was allowed by the Sessions Court. The weapons used in the crime have already been recovered by the police. Hence, I am of the view that at this stage, no purpose will be achieved by taking the applicant in the custody. This anticipatory bail application is allowed on certain conditions, if the applicant attends the concerned police station. Hence, the following order :-

### **ORDER**

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with FIR No. 0160 dated 3<sup>rd</sup> August, 2024 registered with Ozar Police Station, Nashik Rural for the offence punishable under Sections 109, 115(2), 118(1), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190, 324(4) and 324(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with two or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend the office of the Investigating Officer of the concerned Police Station on 3<sup>rd</sup> March, 2025 and 4<sup>th</sup> March, 2025 and 5<sup>th</sup> March, 2025 morning between 11:00 a.m. to 1:00 p.m. and thereafter as and when called by the police.

(d) The applicant 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.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses and will submit their mobile phones to the Investigating Officer.

**7. The anticipatory bail application is disposed of.**

**[RAJESH S. PATIL, J.]**