

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 492 OF 2025

Aaditya Vishnu Mhatre

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Piyush Chhabria for the Applicant.

Mr. Nitin B. Patil, A.P.P. for the State.

Mr. Shivaji Bade, A.P.I., Manpada Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 24th 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. 1416 dated 30th December, 2024 registered with Manpada Police Station, Thane City for the offence punishable under Sections 109, 118(1), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the informant on 29th December, 2024 between 7:00 p.m. to 7:45 p.m. co-accused abused,

assaulted by means of wooden bat on hand, leg, head of the informant so also by means of kick and fist blows on account of the dispute of purchase of chicken. Hence, on the report of the informant, FIR has been lodged. The present applicant has not been named earlier, only on investigation, his name has been added.

3. It is the case of the present applicant that he is arraigned as accused no.3. The accused no.1 and accused no.2 are already granted bail. As far as recovery of the weapon is concerned, the same is already done by the Investigating Officer from the accused no.1. The present applicant is 20 years of age and is a student. There are no criminal antecedents and he is ready to co-operate with the police.

4. In the order passed by the Sessions Court in the application filed by the accused no.2, it has been observed that the investigation is almost complete and the informant has been discharged from the hospital and is out of danger. Hence, the present anticipatory bail application can be granted putting certain conditions on the applicant.

5. The learned A.P.P. submits that inquiry is still pending and the

present applicant has not been arrested. If the present applicant is granted bail, he will pressurize the witnesses and the informant also.

6. I have heard learned counsel for both the sides. The applicant is 20 years old student having no antecedents against him. As per the I.O's own case in the matter of accused no.2, the investigation is almost complete and the informant is already discharged from the hospital, recovery of the weapons has already done by the I.O. Accused nos. 1 and 2 have been granted regular bail. Even in the C.C. TV footage, it can be seen that the present applicant is just standing near the spot where the offence was committed.

7. In such a situation, I am satisfied that the anticipatory bail application can be granted subject to certain conditions. Hence, the following order :-

ORDER

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

(b) In the event of arrest in connection with FIR

No. 1416 dated 30th December, 2024 registered with Manpada Police Station, Thane City for the offence punishable under Sections 109, 118(1), 352, 351(3) and 3(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 27th February, 2025 and 28th February, 2025 morning between 11:00 a.m. to 1:00 p.m. and as and when called.

(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.

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

[RAJESH S. PATIL, J.]