



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.504 OF 2025

MAYUR GAJANAN SITARAM MALI

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. V. T. Dubey i/b M/s V. T. Dubey & Associates for the Applicant.

Adv. Supriya Kak, APP for the State.

API Viraj Jagadale, Vinoba Bhave Nagar Police Station Mumbai.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 27, 2025

P.C.:

1. This is an application filed by the applicant under Section 482 of Bharatiya Nagarik Shuraksha Sanhita, 2023 for pre-arrest bail in C.R. No. 93/2025 registered with Vinoba Bhave Nagar Police Station for the offences punishable under Sections 118(2), 115(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. The present applicant is accused no. 2. I have been informed that the accused no. 1 is arrested two days back and granted bail by the Sessions Court.

3. As per the case of the prosecution that accused no. 1 (Santosh) had a quarrel with the informant which turn into a physical

assault. At that time the applicant was going back to his home from his work. When he saw the incident, he intervened, and even he started assaulting the informant. After the present applicant and accused no. 1 left the site, the informant went to hospital and thereafter he lodged the FIR.

4. Mr. Dubey, learned counsel for the applicant submits that there is no much role of the present applicant as per the FIR. It has been stated that the informant was hit by a paver block by accused no.1. The accused no. 1 is already arrested and granted regular bail by the Sessions Court. The present applicant has no antecedents and no purpose will be served by arresting the present applicant. There is no material to be recovered from the present applicant. The applicant is ready to abide all the conditions imposed by this Court.

5. The learned APP submitted that though there are no antecedents against the applicant, in the statement, it was recorded that he was involved in the assault which was meant on the informant. There is a statement of the eyewitness, who is supporting the case of the informant. She submits that it is a matter of record that accused no. 1 is arrested and granted bail. She submits that it is important for the Investigating Officer to make further inquiry after taking the present applicant in custody.

6. I have heard the counsel for both the side and have gone through the FIR and the documents produced before me. I have gone through the medical reports. The injury caused to the informant on his hand. In the present proceeding, the informant was hit by a paver block and by fist and blows. The paver block was used by accused no. 1 and he was arrested and granted a regular bail. As far as the present applicant is concerned he has only used his hands for hitting the informant. In such a situation according to me, a case is made out to grant the present anticipatory bail application. Hence, I pass the following order.

Order

(i) **Anticipatory Bail Application is allowed.**

(ii) The applicant be released on bail in C.R. No. 93/2025 registered with Vinoba Bhawe Nagar Police Station, Mumbai 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 shall mark his presence at Vinoba Bhawe Nagar Police Station on 12 March 2025 and 13 March, 2025 between 11.00 am to 1.00 pm and as and when called for.

(iv) 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.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) 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 influenced by any of the observations made hereinabove.

7. Anticipatory Bail Application is accordingly disposed of as allowed.

(RAJESH S. PATIL, J.)