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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 557 OF 2025

Omkar Vijay Kalokhe

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Anandmaya Dhorde for the Applicant.

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

Ms.Savita Unde, P.S.I., Ambad Police Station, Nashik City present.

CORAM : RAJESH S. PATIL, J.

DATE : 17th MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 0850 of 2024 dated 18th December, 2024 registered with Ambad Police Station, Nashik City for the offences punishable under Sections 109, 351(3), 115, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is alleged in the FIR that on 18th December, 2024 approximately at 5:00 p.m., the accused nos. 1 and 2 with a sharp

weapon caused multiple grievous injuries on the first informant in which the first informant was in hospital for approximately two months. The present applicant was present alongwith them and it is alleged that the present applicant was holding the hand of the first informant. Therefore, an FIR has been lodged.

3. Mr. Dhorde, learned counsel appearing for the applicant submits that the present applicant is shown as accused no.3. Two other accused have arrested by the police. There are no antecedents as far as the present applicant is concerned. The learned counsel for the applicant submits that as far as the applicant is concerned, he is physically disabled by 50%, and a certificate to that effect has been enclosed at page no.41 of the present anticipatory bail application.

4. The weapon used by accused no.1 in the alleged incident has already been recovered by the police. As regards two wheeler involved in the alleged incident is concerned, the present applicant has handed over the two wheeler. The applicant is ready to co-operate with the police. It is submitted that the present applicant has attended the office of the Investigating Officer from 6th March, 2025 to 8th March, 2025 and has co-operated with the police. It is further submitted that the present applicant who is 50% disabled, is a student

19 years of age.

5. The learned A.P.P. submits that the offences is of grievous nature. A sharp object has been used to hit the first informant on chest, left hand side near waist. He submits that the custody of the present applicant is necessary as the assault was of serious nature.

6. I have heard the learned counsel for both sides. The present applicant has not used the sharp weapon to assault the first informant. The present applicant is 19 years of age and 50% disabled by right leg side ankle. There is no antecedent as far as the present applicant is concerned. Taking into consideration his physical health and his age factor and he is not been involved in physically assaulting, with the weapon, *prima-facie* at this stage, I am of the view that the custody of the present applicant will not be necessary. Hence, the present anticipatory bail application is allowed. Hence, the following order :-

ORDER

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

(b) In the event of arrest in connection with Crime No. 0850 of 2024 dated 18th December, 2024 registered with Ambad Police Station, Nashik City for the offences

punishable under Sections 109, 351(3), 115, 352, 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 Investigating Officer of the concerned Police Station, 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 to the Investigating Officer.

7. The anticipatory bail application is disposed of.

[RAJESH S. PATIL, J.]