

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1049 OF 2025

Sunil Dnyandev Dhane
Versus
The State Of Maharashtra

...Applicant

...Respondent

Adv. Ritesh Thobde a/w. Adv. Ankita P Rai & Adv. Zubi Ansari, Advocate
for the Applicant.

Mr. Ajay Patil, APP for the State.

Sandesh Deshmukh Chandanshiv, PSI Karmala Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 24 APRIL 2025

P.C.:

1. This is an application filed by the applicant u/s. 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for granting pre-arrest bail in connection with Crime No.835/2024, registered with Karmala Police Station for the offences punishable u/s. 109, 118 (2), 115 (2), 351(2), 351(3), 352, 126(2), 49, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. In the complaint lodged by the informant, which forms part of the FIR, a specific role has been attributed to the present applicant. The present applicant and his two sons have been named as accused persons in the FIR. The sons of the present applicant were arrested and

remained behind bars for 45 days. Both have now been released on regular bail. A disability certificate of the present applicant has been produced before me, which states that the applicant has 40% visual disability in both eyes. It is further submitted that the present applicant has no criminal antecedents.

3. In the FIR, it has been alleged that the applicant and the co-accused assaulted the complainant with their hands, and that the co-accused struck the complainant on his left eye with a steel rod. As a result, the complainant lost vision of his left eye. It is alleged that the present applicant played an instrumental role in the incident. Following a verbal altercation between the applicant and the first informant, the applicant is said to have telephonically called his two sons to the spot. Thereafter, both sons allegedly began abusing and assaulting the first informant, which ultimately led to the loss of the informant's left eye.

4. Considering the fact that the role of the present applicant is limited to instigating the co-accused, and that he did not personally use any weapon to injure the first informant, as well as taking into account that there are no criminal antecedents against the applicant, the matter require evidence to be led.

5. In such a situation, according to me, a case is made out for granting Anticipatory Bail Application.

ORDER

- (a) The anticipatory bail application is allowed
- (b) In the event of arrest of the Applicant Crime No.835/2024, registered with Karmala Police Station for the offences punishable u/s. 109, 118 (2), 115 (2), 351(2), 351(3), 352, 126(2), 49, 3(5) of the Bhartiya Nyaya Sanhita, 2023., the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one 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 every week between 11.00 a.m to 1.00 p.m., till the trial is completed.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) 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.
- (f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

6. In view of the above, the present Anticipatory Bail Application is disposed of.

(RAJESH S. PATIL, J.)