

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2696 OF 2025

Vijay Vishnu Nath

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondent

Mr. Vishal Deshmukh a/w Adv. A. Bhosale, Advocate for the Applicant.

Ms. R. D. Humane, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 01.10.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 45 of 2025 registered at M.H.B. Colony Police Station, for the offences punishable under Sections 109(1), 118(2), 115(2), 189(2), 189(4), 191(1), 191(2), 191(3) & 190 of the Bharatiya Nyaya Sanhita and Sections 37(1) & 135 of Maharashtra Police Act.
3. It is the case of the prosecution that on the date of the incident, which took place on 14.01.2025, the present applicant

and other co-accused assaulted the first informant with a wooden stick and a knife on account of previous enmity between them and attempted to commit his murder. The allegation against the present applicant is of handing over the knife to a co-accused for assaulting the first informant.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the first informant has not attributed any overt act to the present applicant in the statement recorded by the investigating officer on 17.01.2025. It is submitted that after nearly one month in a supplementary statement recorded on 11.02.2025, the first informant has stated that the present applicant was present at the time of the alleged incident and participated in the assault. It is submitted that nothing is recovered at the instance of the present applicant and therefore there is no need of custodial interrogation. It is further submitted that the prosecution has already filed the charge-sheet against the other co-accused.

6. On the other hand, the learned APP for the respondent-State submits that the first informant was assaulted on vital part by knife and he was in the hospital for about one month and still has not recovered. It is submitted that the present applicant was present at the time of the incident, he handed over the knife to the other co-accused by which the first informant was assaulted. Learned APP submits that the applicant is involved in one more crime for the offence punishable under Section 324 of the Indian Penal Code. It is submitted that considering the nature of crime the applicant may not be released on anticipatory bail.

7. I have perused the statement of first informant dated 17.01.2025. No overt act is attributed to the present applicant in the said statement. Apart from it, the alleged injury sustained by the first informant is not attributed to the present applicant. The prosecution has already filed charge-sheet against the other co-accused. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 45 of 2025 registered at M.H.B. Colony Police Station, for the offences punishable under Sections 109(1), 118(2), 115(2), 189(2), 189(4), 191(1), 191(2), 191(3) & 190 of the Bharatiya Nyaya Sanhita and Sections 37(1) & 135 of Maharashtra Police Act. The applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- c) The applicant shall not commit any other crime.
- d) The applicant shall attend the concerned police station once in a month i.e first Saturday between 11:00 a.m. to 02:00 p.m., till conclusion of the trial.
- e) Liberty is granted to the prosecution to file application for cancellation of anticipatory bail if the applicant commits breach of any of above conditions.

[N.R.BORKAR, J.]