

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 567 OF 2015

Shahu Hanumant Gaikwad	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Jaydeep D. Mane, Advocate for the applicant.
Ms. Veera Shinde, APP for the State.
Mr. S.R. Kulkarni, A.P.I., Pandharpur Taluka Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **28th April, 2015**

P.C.:

This Application is moved for anticipatory bail under section 438 of the Cr. P.C. Though it is the first date, a circulation was taken on 23rd April, 2015 and after 7 days the matter is fixed i.e., today. Notice was given to the police officer, therefore, the officer deputed by Investigating officer is present in the Court and is instructing the learned Prosecutor.

2. The applicant/accused is facing charges under sections 307, 323, 324, 326, 379, 143, 147, 148, 149, 504, 506, 427 of the Indian Penal Code, under sections 3(1)(10), 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and also under section 7(1) (D) of Protection of Civil Rights Act. One Somnath Tanaji Bansode gave information to the police on 8th March, 2015 that he holds a contract for valid licence for sand excavation of river Bhima at Pohargaon, Taluka

Pandharpur. On 7th March, 2015 his work of excavation of sand was going on and at around 10.30 p.m. applicant/accused and his brother along with associates who are co-accused arrived on the spot with tractor and they filled up the tractor with sand. When they were returning, complainant and his workers stopped him and applicant/accused and co-accused armed with axe, iron rod and sticks assaulted the employees of the complainant. Therefore, an offence was registered at C.R. No. 45 of 2015 at Pandharpur Taluka Police Station, District Solapur.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has not committed any offence. His brother, who is a reporter, has started mission against the illegal excavation of sand from river Bhima and he along with the villagers are protesting against the complainant and other such persons who are excavating sand illegally from the bank of river Bhima. The learned counsel argued that being aggrieved by the said activity of brother of the applicant/accused, who is also co-accused in this case, the complainant gave a false case against the applicant/accused and co-accused. He, therefore, prays for pre-arrest bail.

4. Learned APP opposed the Application. She submitted that the applicant/accused is facing charges under section 143, 147, 148, 149 along with other charges.

5. Perused the FIR. No specific role of use of weapon is attributed to the applicant/accused, though the name of applicant is mentioned as he was present at the time of assault. In view of this, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) The Application is allowed.
- ii) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- iii) The applicant shall not tamper with the evidence;
- iv) The applicant shall not indulge into any criminal activity.
- v) The applicant shall not harass the complainant.
- vi) The applicant shall cooperate the Investigating Officer and attend the concerned police station on every Monday between 6 p.m. to 8 p.m. till the filing of the charge sheet.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)