

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.655 OF 2015
with
CRIMINAL APPLICATION NO.508 OF 2015

Shri Dyaneshwar Ankush Takik & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.Ritesh Thobde for the Applicants
Mr.D.P. Adsule, APP, for Respondent – State
Mr.V.V. Ugle for Intervener in APPP/508/2015

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 8, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicants/accused are facing prosecution under sections 307, 323, 324, 143, 147, 148, 149, 506 of the Indian Penal Code and under section 135 of the Mumbai Police Act at C.R. No.82 of 2015 registered with Karmala police station, Solapur. One Suryakant Tukaram Deshmukh gave information on 29.3.2015 that he alongwith other villagers were discussing about some religious event in the village. At that time, the applicants/accused alongwith other co-accused, who are the residents of other village, arrived there and they questioned about the event which was supposed to take place in their village. The co-accused took out weapons

and assaulted the informant and some other villagers. The applicants/accused assaulted the complainant and other persons with fists and kicks. In the assault, five persons had sustained injuries. Hence, the offence was registered against all of them.

2. The learned Counsel for the applicants/accused has submitted that no specific role of assaulting with kicks and fist blows to the injured persons is attributed to the applicants/accused. They were not carrying weapons with them. They are innocent. They are falsely implicated. It is submitted that chargesheet is filed by the police and therefore their custody is not required. The learned Counsel also submitted that there is a cross case registered at the instance of one Suresh Diwte, who is one of the accused, on the same day i.e., on 29.3.2015, against the complainant and his associates under sections 324, 143, 147, 148, 149 of the Indian Penal Code and also under section 135 of the Mumbai Police Act.

3. Both the learned Prosecutor as also the learned Counsel for the Intervener, have opposed the application and submitted that out of these applicants, chargesheet is filed only against 5 accused persons, who were arrested and their custody is required. It is submitted that out of these 10 applicants/accused, applicants/accused Nos.1, 3 and 10 have criminal antecedents. One criminal case which was lodged in 2013 is pending against all of them under sections 327, 504 and 506 of the Indian Penal

Code. It is further submitted that the applicant/accused No.1 Dyaneshwar Ankush Takik, applicant/accused No.10 Chandrakant Sadipan Deshmukh after obtaining interim protection, have threatened the witnesses on 24.6.2015 for giving this complaint. Hence, complaint is registered against these two persons.

4. Perused the FIR. It shows that the applicants/accused were not carrying weapons and they assaulted the villagers with kicks and fist blows. Considering the role attributed to them, pre-arrest bail is confirmed of all the applicants/accused except applicant/accused No.1 Dyaneshwar Ankush Takik and applicant/accused No.10 Chandrakant Sadipan Deshmukh, who have violated one of the conditions imposed by this Court.

5. Accordingly, the interim pre-arrest bail is confirmed qua applicants/accused Nos.2 to 9. However, the Anticipatory Bail Application stands rejected qua applicant/accused No.1 Dyaneshwar Ankush Takik, applicant/accused No.10 Chandrakant Sadipan Deshmukh.

6. Intervention application also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)