

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.943 OF 2015

Pintu @ Manoj Pundalik Dhaware	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Naveen Chomal, for the Applicant.
 Mr. Arfan Sait, APP for Respondent – State.
 IO. Mr. S.K. Khatane (PSI), Faujdar Chawadi police station,
 Solapur present.

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

DATE: **JULY 06, 2015**

P.C.:

. The application is moved for pre arrest bail. The complainant Nitin Suryanvanshi (Police Sub Inspector) has given the information. Pursuant to which the offence was registered under Sections 143, 147, 148, 149, 353, 333 and 336 of the Indian Penal Code in C.R. No. 122 of 2015 registered with Faujdar Chawadi police station, Solapur.

2. It is the case of the prosecution that on 24th April, 2015 at around 8.00 pm police received information that at Shivaji chowk two groups were fighting and they were pelting stones on each other. The police found that 50-60 persons were fighting armed sword and sticks and also pelting stones on each other. When police tried to pacify them, the applicant/accused who was the leader of one R.G. group threw stone towards the police and it hit on the lip of the injured P.I. Bhaskar Jadhav and thereafter the offence was registered.

3. The learned counsel for the applicant/accused has submitted that, applicant/accused has no criminal record. Only 10 years back, he was detained under Section 151 of the Code of Criminal Procedure, as an activist. Hence, he is to be bailed out.

4. The learned prosecutor opposed the application. He relied on the statements of witnesses and also the injury certificate disclosing that one CLW on the left side of upper lip of the injured.

5. Perused the first information report. Though it is an offence under section 353 of Indian Penal Code and the public

servant is injured while performing his duty, however it appears that *prima facie* the applicant/accused threw stone at random and it was not aimed to the police officer. There was stone pelting in between two groups. Therefore, I am inclined to grant pre arrest bail.

6. Hence, I grant anticipatory bail as under:

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) with one or two solvent surety/s in the like amount;
- b) The applicant/accused shall cooperate with the investigating officer and attend the concerned police station once in a week on every Thursday in between 11 am to 12 noon till filing of the charge sheet.
- c) He shall not indulge in any other criminal activity.

7. Anticipatory bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)