

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.421 OF 2015

Mahesh @ Mahendra Gajanan Tapase

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.R.S. Kate a/w Mr.S.D. Chavan for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

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

DATE: **MARCH 30, 2015**

P.C.:

1. This is an application for pre-arrest bail where the applicant/accused is prosecuted for the offences punishable under sections 395, 120B, 452, 324, 427, 323, 504, 506 of the Indian Penal Code and under section 37(1) (3) and 135 of the Mumbai Police Act in C.R. No.837 of 2014 registered with the Satara City police station. The incident of assault has taken place on 26.1.2014 at the construction site of the employer of the informant. The watchmen of the employers, Mr.Vijay Shinde and Ashok Shinde, were assaulted and the property at the construction site was damaged as the informant's employer did not respond positively to the demand of ransom made by the principal accused Datta Jadhav and the co-accused. The informant has approached the police station against this demand and has lodged complaint against the co-accused and the principal accused.

Thereafter, this incident has taken place and nearly 35 to 40 persons ransacked the property of the employer. As per the case of the prosecution, the applicant/accused is one of the persons, who damaged the property and assaulted the informant. Hence, this application.

2. The learned Counsel for the applicant/accused has submitted that except the CDR that the applicant/accused contacted one of the co-accused Mr.Salkar for 7 times on that day, there is no evidence against him. He submits that he is protected by pre-arrest bail and he is cooperating with the police.

3. Learned Prosecutor while opposing the Anticipatory Bail Application, submitted that the police have information that the applicant/accused is the one who collects many people to go to the site for the purpose of assault. He was present at the time of the incident. It is further submitted by the learned Prosecutor that there are 9 antecedents against the applicant/accused and they are of similar nature and mainly of unlawful assembly.

4. On perusal of the FIR and the other statements and considering the submissions of both the learned Counsel, it appears that the applicant/accused though having nine antecedents, they are mainly of unlawful assembly. His name is neither mentioned in the FIR nor in the

statements of the other witnesses whatever are presented before this Court.

5. Considering the nature of the allegations, which are made by the prosecution, the order passed by this Court granting interim bail is hereby confirmed on the same lines. However, the attendance of the applicant at the concerned police station on every Monday and Thursday, between 11 am to 12 noon shall be till 30.4.2015. Further, in the event of breach of either of the conditions as mentioned in the order dated 20.3.2015, the prosecution is given liberty to move an application before this Court for cancellation of bail.

6. Anticipatory Bail Application disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)