

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1223 OF 2015**

Deepak Kumar |Abhange

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Anand Shivaji Patil for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 21st AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 57 of 2015 registered with the Shirol Police Station, Kolhapur, for the alleged offences punishable under Sections 143, 147, 148, 149, 341, 395, 504, 323, 427 of the Indian Penal Code, 1870.
3. At the outset, it is pertinent to note that all the Sections except Section 395 of the Indian Penal Code are bailable Sections. According to

the prosecution, one Ranjeet Gopinath Gagade, Investigating Officer in a Private Insurance Company had gone for the purpose of verification of the insurance claim. It is alleged that on 29th May, 2015, when he was travelling with one Rajesh Jawalkar by car, the applicant along with other co-accused attacked the complainant and Rajesh Jawalkar. They have alleged to have assaulted them with fists and kick blows and damaged the car by pelting stones. In the said incident, one Mangalsingh Kamble is alleged to have lost his wallet containing Rs. 3,000/- and ATM card.

4. Counsel for the applicant submitted that the applicant is entitled to pre-arrest bail on the ground of parity, inasmuch as, similarly placed co-accused i.e. Mahesh Rupsingh Bhat @ Mahesh Amaru Bagade and Sandesh Subhash Bagadekar @ Bagade have been granted pre-arrest bail by this Court (Coram : Smt. Mridula Bhatkar, J.) vide order dated 10th August, 2015.

5. The learned A.P.P does not dispute that the role of the present applicant is similar to that of the other two accused, who have been granted pre-arrest bail.

6. It appears from the Injury Certificate of the complainant Ranjeet Gagade and Rajesh Jawalkar that they both had received one injury each on their person and that the said injury was simple in nature. The present applicant has no criminal antecedents. Considering the nature of allegations and on the ground of parity, the applicant is also entitled to pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall not tamper with the evidence;
- (iii) The applicant shall not threaten or pressurize the complainant and other witness;
- (iv) The applicant shall cooperate with the Investigating Officer and attend the concerned Police Station on every Thursday between 5:00 p.m. to 7:00 p.m. till the filing of the charge-sheet.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.