

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 CRIMINAL APPLICATION NO. 6024 OF 2016

**UMAKANT S/O VISHWANATH DHONDE
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.I.Deshmukh, Advocate for Applicants.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 27th, OCTOBER 2016

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PER COURT :

1. The applicant/accused in Crime No. 67/2016 registered at Sonkhed police station, Sonkhed, Tq. Loha, Dist. Nanded for the offences punishable U/ss 143,147,148,149,326,323,504,506 of the Indian Penal Code and u/s 135 of the Maharashtra Police Act, by this application are seeking pre-arrest bail.

2. Heard the learned counsel for applicant/accused. He argued that no specific role is attributed to the applicant.

3. Perused F.I.R. lodged by Kailas Babarao Dhonde. He has categorically mentioned that in all 12 persons, including present applicants, formed an unlawful assembly and he was assaulted by means of sticks. He has further averred that other members of the prosecuting party were also assaulted by the members of the prosecuting party. It is averred that applicant No. 1 Umakant is accused in a case of murder of father of the informant.

4. When averments in the F.I.R. shows that unlawful assembly was formed with common object and members of the prosecution party were assaulted, there is no need to mention specific act of each member of the unlawful assembly. Even otherwise, every member of the unlawful assembly is vicariously liable for the acts of other members of unlawful assembly for every act done for prosecuting the object. Hence, no case for anticipatory bail is made out. As such, the following order.

Criminal Application stands rejected.

[A.M.BADAR, J.]