

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1742 OF 2015

Ankush Banda @ Dada Mane & 7 ors.	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jaydeep Mane, Adv. for the applicants.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th January, 2016.

P.C. :

1. At the outset Mr. Mane, the learned counsel for the applicants submits that the applicant Nos.5 and 8 have been arrested during the pendency of this application and that he wishes to delete the names of these applicants from the cause title. He, therefore, seeks leave to amend. Leave granted. Amendment be carried out forthwith.

2. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.258 of 2015 registered at Sangola Police Station, Solapur for offences punishable under Sections 143, 147, 149, 324, 323, 504 & 506 of the IPC.

3. The case of the prosecution in brief is that on 22nd October,

2015 at about 3 pm the applicant and others formed an unlawful assembly with an object of assaulting Dnyaneshwar Imade and his uncle Kamdev Imade. It is further alleged that in furtherance of common object the applicant and others caused injuries to Dnyaneshwar Imade and his uncle by assaulting them with stone, fist blows and kicks and thereby caused grievous injuries to them. Pursuant to the FIR lodged by Dnyaneshwar Imade the aforesaid crime was registered for aforesaid offences. In view of the injuries sustained by the said Kamdev Imade, Section 307 also came to be added.

4. Mr. Mane, the learned counsel for the applicants submitted that the applicants are not involved in causing injuries to Kamdev Imade. He has further submitted that the incident was not preplanned. He submits that the applicants have also lodged a cross complaint against Dnyaneshwar Imade and others. He submits that the nature of allegations levelled against the applicant does not warrant custodial interrogation.

5. Mr. Adsul, the learned APP for the State has submitted that said Kamdev Imade has sustained head injuries. He has further

submitted that the applicants were the members of the unlawful assembly and that they had been absconding since the date of the incident. The learned APP therefore claims that the applicants are not entitled for bail.

6. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that Dnyaneshwar had lodged FIR dated 22nd October, 2015 stating that the applicants, along with other co-accused had formed an unlawful assembly, armed with weapons and had assaulted him and his uncle. The records prima facie reveal that grievous injuries which were allegedly caused to Kamdev Imade were inflicted by Vilas Deokate and Abhijit Metkari and not by these applicants. The records further reveal that the applicant No.2 herein had also lodged a cross complaint against the complainant Dnyaneshwar Imade and others pursuant to which Crime No.260 of 2015 has been registered against said Dnyaneshwar Imade and others. The records prima facie reveal that both groups were involved in assaulting each other. There is no prima facie material to indicate that these applicants were armed with deadly weapons or that they had inflicted serious injuries on the complainant or his

uncle. The nature of the allegations levelled against the applicants do not justify custodial interrogation. The applicants are permanent residents of village Save, Tal. Sangola, Dist. Solapur and hence there is no possibility of the applicants absconding. Under these facts the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicants in Crime No.258 of 2015 registered at Sangola Police Station, Solapur, the applicants shall be released on bail bond of Rs.25,000/- (Rupees Twenty five Thousand Only) each with one or two sureties in the like amount to the satisfaction of the JMFC, Sangola.
2. The applicants shall report to investigating officer for 7 days from 10 am to 1 pm from the receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicants shall not tamper with the evidence or interfere with the complainant and the witnesses in any manner.
4. The applicants shall not leave Dist. Solapur till filing of the chargesheet, without prior permission of JMFC, Sangola.

(ANUJA PRABHUDESSAI, J.)