

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 398 OF 2016**

1. Janardan Dhulaji Kamble,
2. Prafull Tukaram Kamble,
3. Siddharth Shivram More,
4. Rahul Ramchandra Kamble,
5. Sagar Prabhakar Shinde,
6. Ajay Siddharth More,
7. Rushikesh Ravindra Kamble,
8. Naresh Deo Mohite,
9. Sachin Haribhau Jadhav,
10. Roshan Ramesh Shinde,
11. Ajit Haribhau Jadhav

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Indra Redkar i/b Mr. Sanghraj Gaikwad for the Applicants

Mr. D. P. Adsule, A.P.P for the Respondent-State

Mr. Anil T. Meshram, Asstt. Police Inspector from Roha Police Station,
Raigad is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 1st APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P
for the State.
2. By this application, the applicants seek pre-arrest bail in
connection with C.R. No. 24 of 2016 registered with the Roha Police

Station, Raigad, for the alleged offences punishable under Sections 143, 147, 148, 149, 153A, 295, 336, 324, 354, 395 and 427 of the Indian Penal Code.

3. According to the prosecution, the incident took place on 26th January, 2016 at about 3:30 p.m during the meeting which was held at Tise Gram Panchayat. It is alleged that the applicants along with other co-accused formed an unlawful assembly and armed with weapons assaulted the first informant Sushila Jadhav and others.

4. Learned Counsel for the applicants submitted that with respect to the incident, there is a cross case which has been lodged by Rakesh Kamble, which was registered vide C.R. No. 23 of 2016 with same Police Station, alleging similar offences as against the complainant in the present C.R and others. He submitted that the main allegations are as against the co-accused Rakesh Kamble and that the allegations as against the present applicants are general in nature. He submitted that even in the cross case, some of the applicants have received the injuries. He submits that no specific overt act has been attributed to any of the applicants.

5. Learned A.P.P opposes the bail application.

6. Perused the papers. It appears that the main allegations as disclosed in the present C.R are as against co-accused Rakesh Kamble, who was arrested and thereafter enlarged on bail. The very said co-accused Rakesh Kamble had lodged a cross case which was registered vide C.R No. 23 of 2016, as against 44 persons, including the complainant alleging similar offences. In the present C.R i.e. C.R No. 24 of 2016, there are no specific allegations as against the applicants and no specific overt acts have been attributed to any of the applicants. The injury certificates show that the injuries sustained by the injured are simple in nature. It also appears that the incident took place on the spur of the moment, pursuant to an altercation which took place in the meeting of the Gram Panchayat.

7. Considering the aforesaid, the applicants are enlarged on bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on

furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer on every Saturday from 10:00 a.m. to 11:00 a.m. till the filing of the charge-sheet.

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

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

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

REVATI MOHITE DERE, J.