

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.399 OF 2016

Rahul Tukaram Chandanshive	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. V.S. Agarwal, Adv. for the applicant in ABA.
Mr. Arfan Sait, APP for the State.
Mr. S.P. Barge, PI, Bibwewadi PS, Pune city present.

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

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.10 of 2016 registered with Bibwewadi Police Station, Pune for offences punishable under Sections 143, 147, 148, 149, 307 & 427 of the IPC and under Section 37(1) of Maharashtra Police Act and under Section 25 of the Arms Act.

2. The case of the prosecution in brief is that on 19th January, 2016 at about 8.30 pm, the applicant and the other co-accused formed an unlawful assembly armed with deadly weapons and committed mischief by damaging the vehicles which were parked in front of the laundry by side of the road at Ambika Nagar Chowk. The

applicant and the other accused also alleged to have inflicted injuries on Vikas Jathar and thereby attempted to cause his death.

3. Heard Mr. Agarwal, the learned counsel for the applicant and Mr. Sait, the learned APP for the State. I have perused the records and considered the submissions advanced by the counsels for the respective parties. The FIR lodged by Vikas Jathar prima facie reveals that on 19th January, 2016 one Monya Vikare, Akshay Lokhande and several others formed an unlawful assembly armed with deadly weapons and that they had inflicted injuries on him and damaged vehicles parked in front of the laundry at Ambika Nagar Chowk. The FIR does not name the applicant. Nonetheless the statements of the witnesses prima facie reveal that the applicant was also a member of the said assembly and that he was involved in damaging the vehicles by pelting stones. The records however further do not prima facie indicate that the applicant was involved in inflicting injury on the complainant. The medical certificate does not prima facie indicate that the first informant had sustained grievous injuries on he vital part of his body. Considering the aforesaid facts, in my considered view, the application is allowed on the following terms and conditions.

- i. In the event of arrest of the applicant in Crime No.10 of 2016 registered with Bibwewadi Police Station, Pune, the applicant shall be released on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Pune.
- ii. The applicant shall report to investigating officer for 7 days from 10 am to 1 pm from the date of receipt of this order.
- iii. The applicant shall not interfere with the complainant or witnesses and shall not tamper with evidence in any manner.
- iv. The applicant shall not leave Pune district without prior permission of the Court.

(ANUJA PRABHUDESSAI, J.)