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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1540 OF 2016

Rahul Bablu Sodekar

....Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. G.R. Waghmare for Applicant.
Mr. Deepak Thakarae, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 26th September 2016.

P.C.

1 This is an application under Section 438 of Cr. P.C. for pre-arrest bail in CR No.226 of 2016 dated 5.8.2016 registered with Agripada Police Station, Mumbai under Sections 307, 353, 332, 323, 143, 144, 145, 147, 148, 149 of the Indian Penal Code and under Section 37(1) (c)(g) of the Maharashtra Police Act.

2 The first information report is lodged by Mr. Vishal Nangre, Police Constable attached to Agripada Police Station. It is stated in the said

report that on 4.8.2016 at about 19.00 hours (7.00 p.m.) he resumed for duty. He was deputed as bit-marshall for night patrolling. That at about 11.45 p.m. he reached near the Star Hotel, Station Road, Byculla when he saw mob of 10-15 people. He therefore made enquiry with the witness namely Akhtar Hussain Shaikh. He pointed one boy who assaulted Hussain Salim Shaikh. By that time the informant reached to the said boy, the said boy left the spot on his motorcycle. In the meantime Hussain Salim Shaikh came along with 10-15 more persons and tried to assault the boy who was on motorcycle. The informant who was on duty tried to pacify the quarrel. In the meantime, the boy who had been at the spot on motorcycle tried to run away from the spot. AT that time the persons from the mob threw stones, bricks, soda-water bottles etc. towards the said boy. It is further stated in the said report that the said boy who was on motorcycle gave a call to somebody and came back with a mob of about 25-30 persons at the spot. The persons from the mob of Hussain Saikh were being attacked by the mob which was led by the boy on motorcycle. That some of the persons in the mob identified the said person as the present applicant and the persons of mob of Hussain Shaikh started to assault applicant. It is stated in the report that the applicant along with other co-accused actively participated in the said riots and also assaulted the informant who was

performing his lawful duty. In the premise the first information report is lodged.

3 The applicant was granted interim relief by this Court by its Order dated 2.9.2016 and was directed to attend the Investigating Officer and to join the process of investigation on stipulated dates. The learned APP on instructions from the Investigating officer submitted that though the applicant has attended the Investigating Officer, he did not co-operate in the process of investigation. That the applicant did not reveal the facts leading to the present crime and therefore the present application may be rejected.

4 It is to be noted here that, the first information report is lodged by a Police Constable who was performing his lawful duty. The said Police Constable had tried to avoid ritous situation which occurred in the night of 4th August 2016 between two groups. That the applicant was active participant in the mob led by him. It is the specific allegation that the Police Constable was assaulted by the people from the mob of the applicant. The record reveals that there are three other offences already registered against the applicant with the Agripada Police Station. The allegations made against the applicant are very serious in nature. It is specifically and categorically stated that the Police Constable who was

performing his lawful duty was assaulted by the mob led by the applicant. In view of the same, the custodial interrogation of the applicant is necessary to investigate the matter.

5 After taking into consideration the gravity of offence, and serious allegations against the applicant, this Court is of the considered view that this not a fit case to grant pre-arrest bail to the applicant. The Application is dismissed.

(A.S. GADKARI,J.)