

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1541 OF 2016**

Rahul Bablu Sodekar

... Applicant

**vs.**

State of Maharashtra

... Respondent

Mr. Ganesh Waghmare, Counsel for the applicant.

Mr. Deepak Thakare, A.P.P. for the State/respondent.

**Coram :** N. W. SAMBRE, J.

**Date :** 18<sup>th</sup> November, 2016

**P.C. :**

1. The applicant is seeking pre-arrest bail in Crime No. 225 of 2016 for the offence punishable under Sections 307, 323, 143, 144, 147, 148, 149 of the Indian Penal Code and under Sections 37(1)(C)(G) of the Bombay Police Act.

2. The case of the prosecution appears to be that the applicant laid a mob and tried to disturb public order by using soda-water bottle, stones, bricks etc. The incident in question occurred because of the differences between the two groups. While trying to make out a case for grant of pre-arrest bail, the learned Counsel for the applicant submits that apart from non-satisfaction

of the ingredients of Section 307 of I.P.C., no bodily injury is caused. Perusal of the contents of F.I.R., does not call for custodial interrogation of the applicant. He would then submit that the applicant is very much available for investigation and as such he be released on bail.

3. Having perused the contents of F.I.R., it is required to be noted that the applicant has laid a mob, which has assaulted the other side and disturbed the public order by using soda-water bottles, stones, bricks etc.

4. In view of the specific role attributed to the applicant, the claim of the applicant that Section 307 of I.P.C. is not attracted in absence of any injury certificate, does not hold any substance, particularly in the background of requirement of Section 307 of I.P.C.

5. Apart from above, there is prima facie case against the applicant. Hence, the application is rejected.

**[ N. W. SAMBRE, J.]**