

FARAD CONTINUATION SHEET NO.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE

**ANTICIPATORY BAIL APPLICATION NO.1869 OF 2016**

**Mahesh Bapurao Jadhav & Anr -----Applicants.**

**WITH**  
**ANTICIPATORY BAIL APPLICATION NO.1877 OF 2016**

**Salim Khawaja Shaikh & Ors. ....Applicants.**

**WITH**  
**ANTICIPATORY BAIL APPLICATION NO.1878 OF 2016**

**Swapnil Baburao Devkate .....Applicant.**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders.

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Court's or Judge's orders

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Ms. Manjiri Parasnis for applicants in ABA-1869/2016.  
Mr. Rupesh Zade for applicants in ABA 1877/2016 and 1878/2016.  
Mr. Vinod Chate APP for State ABA Nos.1869/2016 & 1877/2016.  
Mr. Rajan Salvi APP for State in ABA No.1878/2016.

CORAM : A.S. GADKARI, J.  
DATE : 25<sup>th</sup> October 2016.

1) The applicants are apprehending arrest in CR No.0503 of 2016 dated 24.8.2016 registered with Baramati City Police Station, Pune (Rural) under Sections 143, 147, 148, 307, 333, 353, 504, 332 of the Indian Penal Code and under Section

135 of the Mumbai Police Act and under Section 4(a)(b) read with Section 25 of the Arms Act and under Sections 3 and 4 of the Prevention of Damage to the Public Property Act.

2) The first information report is lodged by Shri Rajesh S. Gaikwad, a Police Constable attached to Baramati Police Station, Pune (Rural) on 24.8.2016. It is stated in the said report that, on 24.8.2016 at about 10.00 a.m when the informant was present in the police station for performing his duty, the station house officer received a message that at Tuljaram Chaturchand College, some students have assaulted the security guard. That the station house officer directed the first informant and the Police Constable Shri V.S. Waghmode and Shri Arjun Vyavahare, Assistant Sub-Inspector, driver of Government vehicle No,MH-12-RR-384 to immediately rush to the spot. Accordingly, the first informant and the Police Constable Shri Waghmode and ASI Shri Vyavahaare reached to the said college from the Government vehicle. The said Constables were informed by the security guards that a mob of about 30 to 35 students led by Sagar Devkate Patil has entered into the college for celebrating the birthday of said Sagar Patil. That the security guards pointed a group of boys who were standing inside the college. The first informant along with Police Constable Shri Waghmode thereafter reached to the said spot from the Government vehicle and questioned the said boys about their behaviour. At that time the said boys questioned the said Police Constables that, what the Police have to do with the college and

started assaulting the first informant and the P.C. Shri Waghmode with kicks and fist blows and also abused them in filthy language. The said Sagar Patil was having sword in his hand and instigated other students, to ask the first informant and the P.C. Shri Waghmode, what they have to do in the college premises. After Sagar Patil instigated the other boys, they assaulted the first informant and P.C. Shri Waghmode. It is further stated in the said report that, some of the boys assaulted A.S.I. Shri Vyawahare. When the said A.S.I. Shri Vyawahare had fallen down, Sagar Patil lifted a cement paverblocks and hurled on the head of said Shri Vyawahare. A.S.I. Shri Vyawahare dodged the same. Then all the accused persons assaulted A.S.I. Shri Vyawahare with kicks and fist blows due to which he received injuries on nose, head and chest. That the said boys thereafter hurled stones at the police vehicle and caused damaged to it. That all the Police personnel suffered injuries. It is specifically stated that the applicants namely Mahesh Jadhav and Rohit Madne actively participated in the assault on the police personnel. In the premise the first information report is lodged.

It is to be noted here that, during the course of investigation, the names and role of the applicants in Anticipatory Bail Application No.1877 of 2016 i.e. Salim Shaikh, Sameer Bhandwalkar, Akshay Jedge and applicant in A.B.A. No.1878 of 2016 Swapnil B. Devkate are revealed.

3) The learned counsel for the applicants submitted that the applicants are of

tender age and if they are taken into police custody, there will be a blot on their carrier. It is further submitted that the applicants in A.B.A. No.1877 of 2016 were accused in another crime and had made complaint against Baramati Police Station and due to which the said applicants have been implicated in the present crime. It is further submitted that the said applicants are not named in the first information report and there is every possibility that they might have been falsely implicated in the present crime. It is therefore prayed that the applicants may be granted pre-arrest bail

4) A bare perusal of the first information report and the papers of investigation would reveal that the applicants were the members of the unlawful assembly and after assaulting Police Constable Shri Gaikwad and Police Constable Waghmode attempted to commit the murder of A.S.I. Shri Vyawahare who were performing their lawful duty. There is a rise in the incidents of assault on a public servants' performing their lawful duties. It is necessary for the police to investigate the crime thoroughly and properly. That the applicants in A.B.A. No.1869 of 2016 have been named in the first information report and the names of other applicants in A.B.A. No.1877 of 2016 and A.B.A. No.1878 of 2016 surfaced on record during the course of investigation. The allegations made against the applicants are very serious in nature. The applicants being members of the unlawful assembly have assaulted the Police personnel who were performing their lawful duty.

5) After taking into consideration the facts and circumstances of the case, the

serious allegations against the applicants and the gravity of the offence, it is imperative for the police to custodially interrogate the applicants. The applications being de hors of any merits are accordingly dismissed.

**(A.S. GADKARI, J.)**