

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

BAIL APPLICATION NO. 2208 OF 2015

Pravin Nandkumar Zende .. Applicant

v/s.

The State of Maharashtra ..Respondent

Mr. Rajesh Patil for the applicant

Mr. J.H.Ramugade, APP for the respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 11th JANUARY, 2016.**

PC.

1. The applicant herein was arrested in C.R.No.169 of 2015 registered with Walchand Nagar Police Station for the offence punishable under Section 395, 452, 337, 324, 323, 143, 147, 148, 149, 504, 506, 427 of the IPC r/w. 135 of the M.PAct and Sectin 3 and 7 of the Criminal Law Act.
2. The case of the prosecution in brief is that on 8.6.2014 the applicant was one of the members of unlawful asembly and that he and others had pelted stones on the shop of the complainant Vikas Doshi and had committed theft of

Rs.5000/- from his shop. It is further alleged that the applicant and others had caused injury to Rajesh Doshi, Harshad Doshi and had committed mischief by breaking the window panes and had damaged the chop and car of the complainant by pelting stones.

3. The learned Counsel for the applicant has submitted that the applicant has a clean record and that he was not involved in committing any offence as alleged. He therefore claims that the applicant is entitled for bail.
4. The learned APP has submitted that the FIR prima facie reveals that the applicant was a member of the unlawful assembly which was involved in committing mischief and also involved in causing injury to Rajesh and Harshad.
5. I have perused the record and considered the submission advanced by the learned Counsel for the Respondent and the learned APP for the State. The records prima facie reveal that on 8.6.2014 there was an agitation because of the derogatory remarks made against Dr. Babasaheb

Ambedkar on the face book and that several members had entered the shops of several shop owners and compelled them to close down their shops. The complainant, who was one of the shop owner had lodged the FIR on 8.6.2014 alleging that the said mob had entered his shop, caused damage to his shop, car and committed theft of Rs.5000/-. The complainant had further alleged that the applicant and other members of the assembly pelted stones and as a result of the same Rajesh and Harshad had sustained injuries.

6. The allegations made in the FIR are general in nature. The FIR does not attribute any specific role to the applicant. Considering the above facts, this is not a case which would required custodial interrogation.
7. Under the circumstances, and in view of the discussion supra, the application is allowed on the following terms and conditions:
 - i) In the event of arrest of the applicant in Crime No. 169 of 2014 registered with Walchand Nagar Police Station, the

applicant be released on bail on furnishing bail bond of Rs.20000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the Investigating Officer.

ii) The applicant shall report to the Investigating Officer for four days between 10 a.m. to 1.p.m. for the purpose of investigation and interrogation.

iii) The applicant shall not leave Pune District still filing of the chargesheet, without prior permission of the JMFC, Indapur, Baramati.

(ANUJA PRABHUDESSAI, J.)