

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1771 OF 2015

Laxman @ Anna Mahadeo Nanaware ... Applicant
Vs.
The State of Maharashtra ... Respondent
Mr. Ranjeet Pawar, Adv. i/b. Sayaji D. Nangre, Adv. for the applicant.
Mrs. Veera Shinde, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.284 of 2015 registered at Indapur Police Station, Pune for offences punishable under Sections 143, 147, 148, 149, 337, 326, 504 & 506 of the IPC.

2. The case of the prosecution is that on 23rd September, 2015 there was a quarrel between two groups of boys at Ganesh immersion procession. It is alleged that the applicant and the other co-accused being the members of an unlawful assembly caused grievous injuries to Yogesh Gawli by pelting stones and assaulting them with kicks and blows.

3. Mr. Pawar, the learned counsel for the applicant submitted

that the FIR does not prima facie attract offence under Section 326 of the IPC. He has submitted that the presence of the applicant is not required for custodial interrogation.

4. Mrs. Shinde, the learned APP for the State has submitted that the FIR prima facie indicates that the applicant was present at the place of incident and was a member of the unlawful assembly which had caused injuries to the complainant and others.

5. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR prima facie indicate that on 23rd September, 2015 at the time of immersion of Ganpati idol there was a dispute between the applicant herein and Yogesh Gawli. There upon Akshay called his friends including the applicant herein and that they assaulted Yogesh and others by kicks and fist blows. It is alleged that the members of the unlawful assembly also pelted stones on the persons participating in the Ganpati immersion proceedings.

6. The FIR does not attribute any overt role of the applicant and does not prima facie indicate that the applicant herein was

involved in committing any grave offence. Furthermore the injury sustained by Satav is simple in nature. The nature of allegations do not justify custodial interrogation. The applicant is a permanent resident of Pune and there are no chances of his absconding. The applicant does not have criminal antecedents.

7. Considering all the above facts and circumstances the application is allowed under the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.284 of 2015 registered at Indapur Police Station, Pune, the applicant shall be released on bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Indapur.
2. The applicant shall report to the investigating officer for period of 4 days from 10 am to 1 pm from the date of receipt of this order and further as and when required by the investigating officer for the purpose of interrogation.
3. The applicant shall not leave Pune district till filing of the chargesheet without prior permission of the JMFC, Indapur.

(ANUJA PRABHUDESSAI, J.)