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

CRIMINAL BAIL APPLICATION NO.377 OF 2017

1. Anil@Balraj Diwanji Mallav	
2. Mahesh Shivaji Mallav	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.S.V.Kotwal i/b Mr.Ganesh Bhujbal, for the Applicants.

Mr.Deepak Thakare, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th APRIL, 2017

P.C. :

1. Heard learned counsel for the Applicants and the learned APP for the Respondent - State.

2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.517 of 2016 registered with the Shirur Police Station, Pune, for the alleged offences punishable under Sections 333, 332, 353, 294, 143, 145, 147, 148, 149, 109, 506 of the Indian Penal

Code and under Section 3 of the Prevention of Damage to Public Property Act.

3. Perused the papers. The incident in question took place on 28th August, 2016. According to the complainant – Manojkumar S. Nawsare, PSI, he along with other staff members were present in the Shirur Police Station, on bandobast duty for the Dahi-handi festival on 28th August, 2016, at about 2.00 p.m. He has stated that as the Shirur Police Station had received information, that one person was murdered on the road, the complainant and his staff went to the said spot and found that the former Vice President, Mr.Mahendra H. Mallav, a Member of the Municipal Council of Shirur, was murdered. With a view to maintain law and order, the Police Inspector in-charge asked the complainant to move towards the deceased's house. When the complainant reached the house of the deceased, the applicant no.1 -Anil@Balraj Diwanji Mallav (Homeguard), applicant no.2 - Mahesh Shivaji Mallav and one Rama Mallav, residents of Kache Aali and a mob of about 600 to 700 males and about 80 to 100 females gathered at the spot and started abusing the police personnel. According to the complainant, the police were trying to pacify

the mob and trying to maintain peace and law and order. According to the complainant, the applicant no.1 – Anil instigated the mob and asked them to eliminate the police personnel, pursuant to which, the mob moved towards the Shirur Rural Hospital, where the dead body of the deceased was kept and started assaulting the police personnel who were on duty. At the hospital, the applicant no.1 is alleged to have assaulted Constable – Santosh Bharmal with a metal fighter punch and the applicant no.2 along with others is alleged to have assaulted with fist and kick blows. The accused persons thereafter moved towards the Shirur Police Station, and started pelting stones on the said police station and started abusing the police in filthy language. It is alleged by the complainant that the applicant no.2 – Mahesh, assaulted constable – Nikam of the said police station with a stick. Accordingly, a complaint was lodged as against the applicant and several others. It appears that most of the other accused have been enlarged on bail. The injury certificate of Police Constable - Santosh, who is alleged to have been assaulted by the applicant no.1 with a metal fighter punch shows, that he had sustained a fracture of the 5th and 6th rib on the chest, which is stated to be a grievous injury. As far as applicant no.2 is concerned he is alleged to have assaulted the police personnel with fist and kick blows and

Constable – Nikam, with a stick. The applicants have been in custody since 7th September, 2016. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, on first Monday of every month, between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- iii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicants shall not contact or attempt to influence the

complainant or any persons concerned with the case;

v) The Applicants shall co-operate in the conduct of the trial.

5. The Application is allowed and disposed of in above terms.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)