

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

ANTICIPATORY BAIL APPLICATION NO. 1604 OF 2017

Anil Jaising Yeole and Ors.

... **Applicants**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Aniket Nikam i/b Ashish Satpute for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

Mr. D. N. Dagade, Head Constable attached to Sikrapur Police Station.

CORAM : A.S.GADKARI, J.

DATE : 20th SEPTEMBER, 2017

P.C.:

. The Applicants are apprehending arrest in C.R. No.337 of 2017 dated 20.07.2017 registered with Shikrapur Police Station, District Pune for the offence under Sections 143, 147, 148, 149, 307, 323, 354, 504 and 605 of the Indian Penal Code.

2 Learned APP submitted that Investigating Officer Mr.R.G. Galande has deputed a Head Constable who is oblivious of the facts pertaining to the present case. Learned APP further submitted that the Head Constable who is attending the Court has also not brought the necessary record relevant to the case including the case diary of the present crime.

3 It appears that, Investigating Officer is not serious enough in investigating the present crime.

4 May as it may, perused the First Information Report and the documents annexed to the application. Prima facie it appears that general allegations are made against the Applicants in the F.I.R. The allegations of assault by knife are attributed to Amol and Dinesh. The investigating agency till date has not taken any pain to arrest the said accused person namely Amol and a specious plea is being raised before this Court that the said accused person is absconding. As stated earlier, without substantiating the said contention, the custody of present applicants is being sought. The record indicates that the role alleged to have been played by the present Applicants was that they were party to the unlawful assembly, however they did not take active part in the crime and hence, they can be protected by way of pre-arrest bail.

6 In view of the above, interim relief granted by the Order dated 13.09.2017 is hereby confirmed.

7 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)