Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPEALLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1949 OF 2017

Mr. Sachin M. Gavali and anr. ..Applicants.
vs.
The State of Maharashtra ..Respondent.

Mr. Pravin Dabade for the Applicant.
Mr.S.H. Yadav, APP. for the State.
Mr.B. Bharucha i/by Nilesh Tribhuvan for the Intervener.

CORAM: A.S.GADKARI, J.
DATE : 07th December, 2017.

P.C.

1. That, in the year 2014 there were disputes between Bablu @ Vishnu Gavali and his friends on one side and the victim Vivek Yadav and his friends on the other side.

2. By an order dated 10.11.2017 the applicants are granted interim relief.

3. Heard the learned counsel for the applicant, learned counsel for the intervener and the learned APP. Perused the record.

3. The first information report is lodged by Shri. Chetan Yadav. That, in the year 2014 there were disputes between Bablu @ Vishnu Gavali and his friends on one side and the victim Vivek Yadav and his friends on the other side. It is the prosecution case that victim Vivek Yadav along with other persons from the vicinity have formed Sanvardhak Sarvajanik Ganesh Utsav Mandal and various programmes were being conducted by the said organization. That, on 15.9.2016 there was Ganpati immersion and the procession of the said Mandal

was proceeding from New Modikhana Road. That, between 9.45 to 10.00 p.m. accused No.1 Bablu @ Vishnu Gavali along with other 12 to 13 co-accused barged in the said procession and accused No.1 Vishnu Gavali fired one round from the pistol on the face of Vivek Yadav. Vivek Yadav suffered grevious injury due to the same. In the premise, the first information report is lodged.

2. The record of investigation indicates that there are many eye witnesses. The applicants were accompanying Vishnu Gavali when they barged in the immersion procession of the said Mandal headed by Vivek Yadav. It prima facie appears that the applicants were oblivious about the future action which was adopted by the principal accused Bablu @ Vishnu Gavali. Apart from the said fact that the applicants were accompanying principal accused Bablu no other over act of whatsoever nature is alleged against the applicants.

3. In view of the above, the interim relief granted by an order dated 10.11.2017 is hereby confirmed.

However, the applicants are directed to attend the Investigating officer as and when called for between 10.00 a.m. to 2.00p.m. and to join the process of investigation till filing of charge sheet.

4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)