

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

BAIL APPLICATION NO. 2523 OF 2018

Ramchandra Keshav Gaikwad

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Satish Maneshinde, Senior Advocate a/w. Anandini Fernandes, Namita Maneshinde, Nikhil Maneshinde, Lakshmi Raman and Snehal Khairnar for the applicant.

Mrs. J.S. Lohokare, APP for the State.

Mr. Dashrath B. Waghmode, Pandharpur City Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th OCTOBER, 2018.

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.639/2018 registered at Pandharpur City Police Station, District Solapur for offences punishable under sections 143, 147, 153, 336, 337, 353, 427 r/w. 149 of the Indian Penal Code, under section 135 of the Bombay Police Act.

2. Heard Mr. Satish Maneshinde, the learned senior counsel for the applicant, Mrs. J.S. Lohokare, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by one Sudhakar Shivaji Masal who is employed as a driver with Maharashtra State Road Transport Corporation. The first information report prima facie indicates that on 18/07/2018, at about 03:00 p.m., the first informant was driving the Bus No.113380, plying on Pandharpur-Belapur route. It is alleged that at about 07:30 p.m., while the bus had stopped at Sangola naka, two unknown persons pelted stones and broke the wind shield of the bus and caused minor injuries to some of the passengers. It is also alleged that four to five persons affixed some pamphlets, the contents of which related to the demand for reservation for Maratha community. It is alleged that the said pamphlets contained some objectionable/threatening statements. He, therefore, lodged the first information report against unknown persons for forming an unlawful assembly, deterring the public servant from discharging public duty, for committing mischief and causing damage to the public property, etc.

4. The statements of the witnesses have been recorded. Some of the witnesses have stated that the present applicant had instigated the crowd and as a result thereof, some of the members pelted stones and damaged the public property. The maximum punishment for the

offences which are alleged to have been committed by the applicant is imprisonment for a term of two years and fine. It is seen that the applicant was arrested on 10/08/2018 and is presently in judicial custody. He has already been interrogated and his presence is not required in custody for the purpose of investigation and/or interrogation. Even otherwise, the nature of the allegations does not justify further detention.

5. The applicant is a permanent resident of Gursale, Taluka Pandharpur. He has no criminal antecedents. Having considered the above facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the Bail Application is allowed on the following terms and conditions :-

(a) The applicant who is arrested in C.R.No.639/2018 registered at Pandharpur City Police Station, District Solapur is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Fifty Thousand) with one or two solvent sureties in the like amount. The applicant is permitted to furnish cash surety for a period of four weeks.

(b) The applicant shall furnish his permanent address and temporary

address, if any, and his contact details to the concerned Court.

(c) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.

(d) The applicant shall not interfere with the witnesses in any manner and shall not tamper with the evidence.

(e) The applicant shall report to the Investigation Officer or in his absence to the Senior Police Inspector, Pandharpur City Police Station, Solapur on 01st Monday of every month until further orders.

(SMT. ANUJA PRABHUDESSAI, J.)