

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 635 OF 2018

Vishal Anil Maske

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. S. Mane a/w Mr. V. J. Shiktode, Advocate, for the Applicant
Mr. M. G. Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. I-6 of 2018 registered with the Kolsewadi Police Station, District - Thane, for the alleged offences punishable under Sections 108, 109, 114, 143, 144, 145, 147, 148, 149, 186, 307, 332, 333, 353, 427, 440, 504, 506 of the Indian Penal Code r/w 37(1) and 135 of the Bombay Police Act r/w Section 3 of the Prevention of Damage to Public Property Act r/w Sections 3 & 10 of the Criminal Law Amendment Act.

3. Perused the papers. The incident in question has taken place on 03.01.2018 near Mata Ramabai Ambedkar Chowk, Siddharth Nagar, Kalyan(E). It is alleged by the prosecution that all the accused had formed an unlawful assembly and were carrying deadly weapons like sticks, iron pipes, iron rods etc.. In the said incident, the Complainant dashed PSI Shekhar Tadavi and his colleague, who had gone there to maintain law & order and as such obstructed them from performing their duties and were even assaulted. The accused even caused damage to Ashok Stumbh, Siddharthnagar, Kalyan (E). The accused even abused the police and caused damage to the shops, Govt. vehicles etc.. The Complainant and some other witnesses were assaulted on their heads with iron rods, resulting in grievous injuries. As far as the Applicant is concerned, there are photographs to show that the Applicant was present at the spot in action, armed with bamboo stick. The Video recording of the incident was also done and panchanama has been prepared. In the said Video recording panchanama, the name of the Applicant is disclosed. It appears that there were about 200 persons who had gathered at the spot. However, the Complainant has named only five persons and has stated that there were about 200 persons.

4. The material on record, prima facie shows the Applicant's

presence at the spot, armed with a bamboo stick. Considering the same, this is is not a fit case to grant pre-arrest bail to the Applicant. Hence, the Application stands rejected.

5. If an Application for regular bail is preferred by the Applicant, the learned Judge shall consider the same on its own merits uninfluenced by the observations made in this Application.

(REVATI MOHITE DERE, J.)