

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

ANTICIPATORY BAIL APPLICATION No. 672 of 2018

Rushikesh Ashok Zagade	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Ms. Rekha Musale, I/by N.L. Rajguru, Advocate for the applicant.
Mr S.R. Agarkar, APP for the State.

**CORAM :- SMT. ANUJA PRABHUDESSAI, J.
DATE :- 16th October, 2018.**

- 1) This is an application under Section 438 of Criminal Procedure Code, filed by the aforesaid applicant apprehending his arrest in C.R.No. 36 of 2018, registered at Indapur Police Station, District Pune for offences punishable under sections 147, 326, 307, 504, 506 read with section 34 of the Indian Penal Code.
- 2) Heard Mr. Rekha Musale, learned counsel for the applicant and Mr. Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.
- 3) The aforesaid crime was registered, pursuant to the first information report lodged by one Vishal Popat Yaralkar. A

perusal of the same prima facie reveals that on 13/1/2018 at 1:00 p.m., the applicant and other co-accused assaulted the first informant and his friend Sagar by kicks and blows. It is also stated that they had pushed Sagar from cement platform and assaulted him with kicks and blows. It is alleged that he had sustained fracture. The material on record does not indicate that accused were armed with dangerous weapons. The allegations are general in nature. The question whether the applicant had shared common intention or common object, is a matter to be decided on merits. The record further reveals that the applicant is on interim bail since 9th July, 2018. The applicant was directed to report to the Indapur Police Station and cooperate with the investigating agency. Learned APP submits that the applicant is already questioned and interrogated.

4) Considering the above facts and circumstances, in my considered view, the presence of the applicant is not required for the purpose of custodial interrogation or investigation. The applicant is a permanent resident of District Pune. There is no possibility of the applicant absconding. The applicant has no criminal antecedents. Hence, the following order :-

- i) In the event of arrest in C.R. No. 36 of 2018 registered at Indapur Police Station, District Pune, the applicant be enlarged on bail on furnishing bail bonds of Rs. 25,000/- with one or two sureties in the like amount.
 - ii) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.
 - iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.
 - (iv) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.
- 5) Application is disposed of in the aforesaid terms.

(SMT. ANUJA PRABHUDESSAI, J.)