

920 -ABA 1212 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1212 OF 2018

Mayur Shankar Gogawale and Ors.

...Applicants

Vs.

State of Maharashtra

...Respondents

Mr. Priyal Gopaldas Sarda for Applicants

Mr. Prashant Jadhav -APP

Mr. Samir Vilas Kadam-PSI Rajgad Police Station, Pune (Gramin)

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 28, 2018

P.C.

1. Heard. This is an application under Section 438 of the Criminal Procedure Code.
2. The Applicants herein are apprehending their arrest in Crime No. 107 of 2018 registered with Rajgad Police Station, Dist. Pune for the offences punishable under Section 307, 143, 147, 148, 149, 341, 504, 506 of the Indian Penal Code.
3. It is the case of the prosecution that Ajit Kundalik Gogawale and his

cousin had been to watch a *Tamasha* on 2nd May, 2018, it is alleged that Sambhaji Gogawale was interfering . He had taken the mike and had declared as either we will assault or he will be assaulted. He got support from public saying “let us assault”. The show had continued. When Ajit and Ajinkya were returning home, they were attacked by about 10 persons, who had assaulted them with sticks. Ajit was taken to the hospital in an injured condition. As it was a medico legal case, his statement was recorded and on the basis of his statement, the offence was registered. The names of the present Applicants do not appear in the first information report. However, the statement of Ajit Gogawale had disclosed that after they were initially assaulted, the present Applicants and others viz. Ghanshyam and others had accosted Ajit. It is alleged that Ghanshyam had caused stab injuries to Ajit Gogawale, which are grievous in nature. Whereas the present Applicants, who were in ambush had assaulted with sticks

4. Perused the papers of investigation. It is clear that it was Ghanshyam who was armed with deadly weapons and had caused grievous injury to Ajit Gogawale. The Applicants do not have any criminal antecedents. It appears that they were belonging to two rival groups and the incident had occurred because of the conduct of Sambhaji at the time of *Tamasha* performance. The

accused named in the first information report shall not claim parity with the present Applicants.

5. In view of the above facts, the Applicants deserve to be granted pre-arrest bail. The observations are prima facie in nature and restricted only to the application under section 438 of Cr.P.C. and shall not be considered for quashing of FIR, discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.30,000/- each and one or more solvent sureties in the like amount.
- (iii) The Applicants shall report to Rajgad Police Station from 3rd July to 15th July, 2018 everyday between 5.00 p.m. to 6.00 p.m. and co-operate with the Investigating Agency.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]