

925- ABA 1323 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1323 OF 2018

Santosh Ganpat Gogawale

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. P.G. Sarda for Applicant

Mr. S.S. Pednekar -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 10, 2018

P.C.

1. Heard. This is an application filed under Section 438 of the Criminal Procedure Code.
2. The Applicant herein is apprehending his 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 we 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 and injury certificate. It appears that the injured was brutally assaulted. In fact it is a case of pre-meditation.

5. The learned counsel for the Applicant submits that the Applicant is serving as a stenographer with Maharashtra Energy Development Agency. He is a public servant and in the eventuality, he is arrested, his family would suffer.

6. Being a public servant, if the Applicant remains in custody for about 48 hours, he would be suspended from service. It is on this ground alone, that the

Applicant is being protected. However, it is made clear that he cannot be absolved of the allegations leveled against him and neither grant of pre-arrest bail would amount to exoneration of allegations. The Applicant deserves pre-arrest bail. However, it is made clear that grant of pre-arrest bail shall not be entitled the Applicant for quashing of FIR, quashing of charge-sheet, 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 of Rs.1,00,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall report to Rajgad Police Station on every Saturday and Sunday for four weeks commencing from 14th July, 2018 between 10.30 a.m. to 1.00 p.m.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]

Vaishali
Anil Tikam

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Vaishali Anil Tikam
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