

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1663 OF 2018**

Sambhaji Dnyndeo Gogawale ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarda for the Applicant.
Mr. Ajay Patil, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.107 of 2018 registered with Rajgad Police Station, District Pune, for the offences punishable under Sections 143, 147, 148, 149, 307, 341, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Priyal G. Sarda, the learned counsel for the Applicant and Mr. Ajay Patil, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The case of the prosecution in brief is that on 1st May, 2018 while the first informant Ajinkya Chandrakant Gogawale and the other villagers had gone to watch Tamasha, the Applicant herein came on the

stage and said that either they would assault or he would be assaulted. It is alleged that while the first informant and his cousin were proceeding towards their residence by a motor cycle, the accused persons, whose names are specified in the FIR, assaulted the first informant and his cousin-Ajit Gogawale by knife and other sharp weapons. The first informant and his cousin sustained injuries and were taken to the hospital.

4. The FIR does not indicate that the Applicant was present at the place of the incident and was involved in inflicting injuries on the first informant or his cousin Ajit Gogawale. In fact, the FIR does not at all mention the name of the Applicant. However, the other injured witness -Ajit Gogawale, whose statement was recorded on 4.5.2018, has stated that he and his cousin i.e. first informant were assaulted by knife and other sharp weapons. This witness also does not attribute any specific role to this Applicant.

5. It may be mentioned that this Court (Coram: Smt. Sadhana S. Jadhav, J.) vide order dated 28th June, 2018 in Anticipatory Bail Application No.1212 of 2018 has observed that it was Ghanasham, who was armed with deadly weapons and caused grievous injury to Ajit Gogawale. The court also took note of the fact that the dispute is

between two rival groups and accordingly granted pre-arrest bail to the co-accused Mayur.

6. Considering the above facts and circumstances, the Applicant is also entitled for pre-arrest bail.

7. Hence, the following order:-

- (i) In the event of arrest of the Applicant in Crime No.107 of 2018 registered with Rajgad Police Station, District Pune, the Applicant be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount to the satisfaction of the Investigation Officer.
- (ii) The Applicant shall report to the concerned police station for a period of seven days from 10.9.2018 between 10.30 a.m. to 2.00 p.m. and thereafter as and when required and called by the Investigation Officer.
- (iii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the Investigation Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)