

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

ANTICIPATORY BAIL APPLICATION NO. 1944 OF 2018

Shreyas Suresh Gavali @ Avinash Gavali ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Tejas Kunsavlikar a/w. Ms. Rashmi Kamble for the Applicant.

Mr. S.R.Agarkar, APP for the State.

Mr. N.M.Thombare, ASI, Indapur Police Stn., present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 21, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 534 of 2018 registered at Indapur Police for the offences under Section 143, 147, 307, 341, 504, 506 r/w. 149 of IPC.

2. Heard Mr. Kunsavlikar, the learned Counsel for the applicant and Mr. Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned

Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Pravin Dattatraya Shelar. The FIR prima facie reveals that on 5th July, 2018 at about 5.30 p.m. the first informant was proceeding from Indapur City to Menpeth. When the first informant had reached near Lohar Galli Poraporanchi chawdi , he saw the applicant and four others sitting by the side of the road. He has stated that Nilesh Bansode stopped him and started abusing him. Thereafter, the four others also gathered around and started abusing him and assaulting him with kicks and blows. The first informant has stated that the co-accused Vijay Gvali and Ravi Jabade caught his hands, while Nilesh Bansode stabbed him with a knife.

4. The records reveal that the first informant had suffered incised wounds which was caused by a sharp object. It is to be noted that the first information report prima facie indicates that these injuries were inflicted by the co-accused Nilesh Bansode. The first information report does not prima facie indicate that the applicant

herein was involved in inflicting any injury or that he had played any active role in causing such injuries. The applicant is a young boy of 21 years and is a permanent resident of Indapur, District Pune. Hence, there are not chances of the applicant absconding or thwarting the course of justice. Considering all the above facts and circumstances, in my considered view, this is not a case which warrants custodial interrogation. Hence the order:-

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in Crime No. 534 of 2018 registered with Indapur Police Station, Pune, the applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (iii) The applicant shall report to the Investigating Officer for four days from 1st October, 2018 from 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iv) The applicant shall not interfere with the witnesses or tamper

with the evidence in any manner.

(v) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(vi) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

Prasanna
Pradeep
Salgaonkar

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by Prasanna
Pradeep
Salgaonkar
Date:
2018.09.26
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(ANUJA PRABHUDESSAI, J.)