

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

ANTICIPATORY BAIL APPLICATION NO.2000 OF 2018

- 1.Dattatray Sopana Pingale
- 2.Dhananjay Maruti Jankar
3. Bharat Kisan Pingale
4. Bhanudas Dashrath Dhaygude
5. Yuvraj Dattatray Dhaigude
- 6.Sandip Dadaso Jankar
- 7.Sachin Shivaji Pingale
- 8.Sandip Sampat Pingale
- 9.Vilas Shivaji Pingale
- 10.Dashrath Vitthal Waghmare
11. Popat Sampat Jadhav
12. Sahebrao Pandurang Jankar
13. Nilesch Popat Khutwad
14. Ganesh Balaso Khutwad
15. Nanaso Jagannath Tike
- 16.Maruti Babaso Khalate
17. Ashok Shamrao Pingle
18. Bapu Genba Khomane
19. Satish Gorakh Kharat

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ranjeet M. Pawar for the Applicants.

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

Mr. G.T. Sankpal, PSI, Vadgaon Nimbalkar Police Station, Baramati District-Pune, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed

by the aforesaid Applicants apprehending their arrest in Crime No.279 of 2018 registered with Vadgaon Nimbalkar Police Station, District-Pune, for the offences punishable under Section 143, 147, 332 and 353 r/w. 149 of the Indian Penal Code, 1860, Section 135 of the Bombay Police Act and Sections 3 and 7 of the Prevention of Damage to Public Property Act.

2. Heard Mr. Ranjit Pawar, the learned counsel for the Applicants and Mr. S.R. Agarkar, 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 aforesaid crime was registered pursuant to the FIR lodged by Sharad Vetel, Assistant Police Sub Inspector, Daund Police Station, Vadgaon Nimbalkar Police Station. A perusal of the FIR prima facie reveals that on 9th July, 2018 an information was received that there was a quarrel between two groups and that one Shankar Khalate was wrongfully confined in one Amol Doshi General Store. The first informant and the other police personnel reached near grocery shop. They saw large number of people gathered at the place of the incident. The first informant also learnt that Shankar Khalate, Vaibhav Khalate

and Vishal Khalate had concealed themselves in the said general store as they were scared that they would be assaulted by the members of the group. It is stated that persons gathered at the place of the incident man handled the police party and also pelted stones at the police vehicles. The first informant thereafter had demanded additional force and on seeing additional force, the persons, who had gathered at the place of the incident ran away from the spot leaving their motorcycles. The said motorcycles were seized and the FIR were lodged against the owners of the motorcycles.

4. The FIR prima facie indicates that the Applicants have been implicated merely because their motorcycles were found at the place of the incident. There is no prima facie material on record to show that these Applicants were present on the spot of the incident and that they were in fact the members of the unlawful assembly. Considering the nature of allegations, in my considered view, this is not a case, which would justify custodial interrogation. Hence, the following order:

(i) The application is allowed.

(ii) In the event of arrest of the Applicants, the Applicants are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two sureties in

the like amount to the satisfaction of the concerned Investigation Officer.

- (iii) The Applicants shall report to the Investigation Officer for a period of four days from 4th October, 2018 between 11.00 to 2.00 p.m. and thereafter as and when required and called by the Investigation Officer.
- (iv) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned Investigation Officer.
- (v) The Applicants shall not change their residential addresses without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)