

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

ANTICIPATORY BAIL APPLICATION NO. 2124 OF 2018

1. Mr. Vikas @ Yash Vasant Rakhpasre
2. Mr. Balasaheb @ Akshay Suresh Rakhpasre
3. Mr. Vasant Bhausahab Rakhpasre
4. Mr. Avinash Suresh Rakh[asre
5. Mr. Satish Aba Kasbe
6. Mr. Balasaheb Narayan Londhe
7. Mr. Vitthal Rajesh Londhe
8. Mr. Vikas Shivaji Bhale ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Ms. Anita Wakchaure I/b. Mr. Vijay Shinde for the Applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. Vinayak Devkar, API Yavat Police Stn. Pune Rural, Pune.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 15, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicants apprehending their arrest in C.R.No.708 of 2018 registered with Yawat Police Station, Pune for offences under Section 332, 333, 338, 353 and 149 of IPC and u/s. 135 of Bombay Police Act, 1951.

2. The aforesaid crime was registered pursuant to the FIR lodged by Police Hawaldar Shri Bapurao Raghoba Bandgar, attached to Yawat Police Station. A perusal of the said FIR as well as the statement of the injured prima facie reveals that on 2.8.2018 at about 23.45 hours one Rekha Amol Sakat had come to the police station to lodge FIR. She was accompanied by Munna Raju Londhe and 20 to 25 other people. The injured was referred to hospital. When the group of said 20-25 people was leaving the police station, four people came near the police station in a black Innova Car. There was an altercation followed by quarrel between the group of 20-25 people and the said four persons who had come by Innova Car. Police Constable Shri Gaikwad intervened and tried to prevent the members of both the groups from fighting with each other. In the meanwhile, the injured Police Inspector Bandgar also came to the place of incident and told the members of both the groups not to create ruckus, at which time, the said members started assaulting the police personnel. One of the persons who had accompanied Munna Londhe pelted stone at P.I. Bandgar. The medical certificate also prima facie reveals that P.I. Bandgar has sustained wound over the

forehead.

3. Said Munna Londhe was apprehended at the spot and he disclosed names of the other persons who had accompanied him to the police station. The applicants are some of those persons who had allegedly accompanied Munna @ Sanjay Rajesh Londhe to the police station.

4. It is to be noted that the injured has not identified the persons who were present along with said Munna Londhe or the person who had pelted the stone. Apart from the statement of the co-accused, there is no other prima facie material to show that these applicants were the members of the unlawful assembly or that they were involved in pelting stones.

5. It is to be noted that the medical certificate states that one of the injuries sustained by said P.I. Bandgar is of grievous nature. As per the said medical certificate, the said injury was of dimension 2.5 x ½ x ½ inches over the forehead. There is no prima facie material to show that the said injury could be classified as any one of those enumerated under Section 320 of IPC. The Medical Certificate does not prima facie indicate that the said injury could endanger life.

There is also no prima facie material to show that PI. Bandgar was unable to follow his ordinary pursuits or that he was in severe bodily pain for a period of 20 days on account of the said injury. The medical certificate does not indicate that the said injury falls under any of the categories classified in class (1) to (8) under Section 320 of IPC, so as to designate the said injury as grievous injury. Hence, in my considered view, prima facie the provisions of Section 333 of IPC would not be attracted. The offences under Section 332 and 353 of IPC are punishable with maximum punishment of imprisonment for five years.

6. Considering the above facts and circumstances, in my considered view, this would be a fit case for grant of pre-arrest bail on the following terms and conditions:-

(i) In the event of arrest of the aforesaid applicants in Crime No.708 of 2018 registered with Yawat Police Station, Pune, the applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(iii) The applicants shall report to the Investigating Officer for four days from 22nd October, 2018 between 11 a.m. to 2 p.m. or as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iv) The applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.

(v) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)