

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

ANTICIPATORY BAIL APPLICATION NO.999 OF 2019

Nitin Maruti Talbhandare

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Ujwal R. Agandsurve, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.748/18 registered with Jodbhavi Police Station, Solapur, under sections 307, 397, 326, 324, 323, 336, 143, 147, 148, 149, 109 of the Indian Penal Code, under section 4 r/w 25 of Indian Arms Act, under section 135 of Maharashtra Police Act and under section 7 of the Criminal Law Amendment Act.
2. The FIR is lodged by one Suraj Ram Gaikwad on

05/12/2018. He has stated that on the previous date there was a quarrel between the accused Vikas Vasant Bansode and his group on one hand and the first informant's group on the other on the ground that Vikas had misbehaved with a girl child. On the next date i.e. on 05/12/2018 at about 07.15 p.m., more than 60 persons carrying weapons like sword, iron rods, sickles, stones etc. came near Rajratna Buddhavihar, where the first informant Suraj was talking with his friends. The mob started assaulting the first informant's group with their weapons. The FIR mentions names of 55 accused. The present Applicant is also named as one of those persons.

3. It is further mentioned in the FIR that the accused Nagesh Kamble assaulted Anand Gaikwad with sword on his head, accused Santosh Talbhandare and accused Pintu Talbhandare assaulted the first informant with iron rod on his head, shoulders and legs. The informant's mother Rukmini was assaulted by accused Rohan with iron rod on her head. The others namely Ritesh Manoj Gaikwad, Pramod Siddhu Bansode

and Raj Arun Kamble were also assaulted. The police arrived at the spot and the assailants ran away. The victims were taken for medical treatment and thereafter the FIR was lodged.

4. The main accused who are attributed specific roles are Vikas Bansode, Rohan Talbhandare and Pintu Talbhandare. All of them are released on bail pursuant to the orders passed by this Court.
5. The investigation is already over and the charge-sheet is filed against the other accused who were arrested.
6. Heard learned Counsel Mr.Ujwal R. Agandsurve for the Applicant and learned APP Ms.S.S. Kaushik for the State.
7. Mr.Agandsurve submitted that the Applicant is not attributed any specific role by the first informant and he was mentioned as one of the persons who was present in the mob. The only eyewitness Anand Gaikwad in his supplementary statement dated 22/01/2019 has stated that the present

Applicant along with other 10 persons was pelting stones. He therefore submitted that the Applicant's custodial interrogation is not necessary.

8. Learned APP relied on the charge-sheet and the injury certificates. The injury certificates show that Anand Gaikwad had suffered grievous injuries. He had suffered four injuries on the head and all of them were serious. The FIR mentions that Anand was assaulted by Nagesh Kamble and Santosh Talbhandare with sword and rod respectively.
9. The Applicant is not attributed any role of causing any injury to Anand Gaikwad. The FIR mentions names as many as 55 persons. Out of them almost 42 persons who are similarly named in the FIR, are granted anticipatory bail as pointed out by learned Counsel Mr. Agandurve.
10. Considering these submissions the present Applicant's role cannot be distinguished from others who are granted

anticipatory bail. In this view of the matter the present Applicant also deserves the protection of anticipatory bail. The Applicant has annexed the order passed in Criminal Bail Application No.1575/18 by the Additional Sessions Judge, Solapur, on 03/01/2019, whereby the anticipatory bail was granted to Sampada Talbhandare, Nikita Talbhandare, Rani Talbhandare, Manisha Talbhandare, Shanta Talbhandare, Sheshabai Talbhandare, Surekha Talbhandare and Sharda Talbhandare.

11. The Applicant has also produced the order passed in Criminal Bail Application No.1576/18 wherein anticipatory bail was granted to the accused Shiva Talbhandare, Ravi Kamble, Raj Talbhandare, Karan Talbhandare, Sandesh Bansode, Sagar Talbhandare, Kishor Talbhandare, Kundan Talbhandare, Ajay Waghmare, Suresh Waghmare and Gopi Talbhandare. Even their roles are almost similar to the one alleged against the present Applicant. In this view of the matter, on the grounds of parity also the Applicant deserves protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.748/18 registered with Jodbhavi Police Station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)