

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1482 OF 2019

Annasaheb Madhukar Kokate & Ors.

... Applicants

Versus

The State of Maharashtra

... Respondent

Mr. Rahul K. Dhaygude, Advocate for the Applicants

Mr. Rajan Salvi, APP for the State/Respondent.

Mr. B.S. Salunke, ASI, Akluj Police Station.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 10th July, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with CR No. 31/19 registered with Akluj Police Station under Sections 307, 326, 324, 323, 504, 506, 120B, 143, 147, 148 and 149 of the IPC, Section 135 of Bombay Police Act and Sections 3 and 25 of Arms Act.
2. The FIR is lodged by one Kishore Gholap in respect of incident dated 19th January 2019. He had given history of enmity between his group and group of the present applicants. There was some incident

on 18th January 2019, wherein there was quarrel between one Dattu Kokate and others. That incident took place at 3.30 p.m. Thereafter, at 4.30 p.m. Dattu was assaulted and thereafter, on the next day at 10.15 am police were investigating in respect of the incident which had taken place on the previous day. When the police officers were making inquiries, at that time, the first informant, who was present there, got a phone call that the applicant's group had gathered in front of the shop of Dhanaji Bhosale. Police officers as well as first informant's group went to the spot. There the first informant saw all the three applicants and ten to fifteen other persons with weapons like pistols, rods, swords, iron pipe, wooden stumps. It is further mentioned in the FIR that the applicant no. 1 assaulted one Omkar Bagade with his pistol and pointed that pistol towards Dhanaji. Police officer Shinde intervened and tried to remove the pistol from the hand of applicant no. 1. At the same time, another accused Amar Jagdale removed his pistol and pointed out on the head of police officer Shinde. Even then Shinde held the applicant no. 1's hand firmly. At that time, applicant no. 3 assaulted the police officer Shinde with stump on his head and hands. At that time others including applicant no. 2 assaulted the opposite group with swords and sickles. In the incident, police officers

were injured. On this basis FIR was lodged.

3. The investigation in this case was carried out and chargesheet was filed against other accused. The present applicants were not arrested and therefore they were not interrogated.

4. Heard Mr. Dhaygude, learned advocate for the applicants and Mr. Salvi, learned APP for the State.

5. With the assistance of the learned counsel for both the parties, I have perused the chargesheet annexed to the application. The statement of the police officer Shinde is important. He was police head constable and was investigating into the earlier offence. He has given details of the incident. His statement is clear enough in which it is mentioned that the applicant no. 1 was trying to shoot with his revolver and the police officers were trying to intervene. The applicant no. 3 assaulted him with stump. The medical certificate shows that Shinde had suffered fracture of his thumb. One more person from the group of first informant i.e. Dhanaji Bhosale had suffered one grievous injury as per the medical certificate issued in respect of his injuries.

6. The offence is serious, police officers who were trying to control the situation were assaulted. The police officer himself suffered fracture of his thumb. The role is directly attributed to the applicants.

In this view the matter, no case is made out for anticipatory bail. Custodial interrogation of the applicants is necessary. The applicants were not arrested. However, looking at the nature of the incident, their custodial interrogation is absolutely necessary. In view of this, application is rejected.

(SARANG V. KOTWAL, J.)