

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

ANTICIPATORY BAIL APPLICATION NO.51 OF 2019

**Vinod Nagnath Sabale & Anr.Applicants.
Versus
The State of Maharashtra.**

**WITH
ANTICIPATORY BAIL APPLICATION NO.73 OF 2019**

**Dashrath Dnyanoba GaikwadApplicant
Versus
The State of MaharashtraRespondent**

**WITH
ANTICIPATORY BAIL APPLICATION NO.74 OF 2019**

**Minakshi Dashrath Gaikwad Applicant
versus
The State of Maharashtra Respondent**

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- Mr.Vinod P. Sangvikar, Advocate for Applicant in ABA No.51/19.
- Mr. Ashok B. Tajane, Advocate for applicant in ABA No.73/19 and 74/19.
- Mr. Prashant Jadhav, APP for state in ABA No.73/19 and 74/19.
- Mr. S. H. Yadav, APP for State/respondent in ABA No.51/19.
- Mr. S. L. Jagtap, PSI, Solapur Taluka police station is present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 10th JUNE, 2019**

P.C. :

1. All these applications arise out of same C.R.No.826 of 2018 registered with Solapur Rural Police Station, under sections 353,332, and 504 r/w. 34 of the Indian Penal Code. The offence was registered in the midnight between 25/11/2018 and 26/11/2018.

2. The F.I.R. is lodged by one police constable. It is mentioned in the F.I.R. that on prior information the police party and the first informant went to village Kavthali, Tal. North Solapur for conducting raid on a gambling den. When they reached there, some of the persons who were indulging in the gambling activity, ran away from the spot. Two of them were caught. At that time, two ladies from the village came there and assaulted some of the police officers and even torn their clothes. Thereafter they escaped alongwith others. The police officers inquired with the persons who were arrested and from them, names of the present applicants transpired.

3. This court vide order dated 12/02/2019 (Coram: Nitin W. Sambre, J.) had directed the police officers to conduct

identification parade. Identification parade was conducted and on instructions, learned A.P.P. makes a statement that four applicants in these applications were identified by the three witnesses. Thus, complicity of the applicants is established.

4. Learned counsel for the applicants submitted that there is delay in lodging F.I.R. and that rules and regulations for conducting the identification parade were not properly followed.

5. Whether the delay and alleged violations of rules can have any impact on the out come of the trial can be considered only at the stage of trial and not at the stage for consideration of anticipatory bail.

6. Considering the serious allegations, resistance offered to the police officers and the manner in which they were treated, I am not inclined to exercise my discretion in granting anticipatory bail. Applications are accordingly dismissed.

(SARANG V. KOTWAL, J.)