

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.153 OF 2019

Sahil Vasant Papal] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Niranjan Mundargi i/b Mr. Keral Mehta, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Mr. K.C. Devare, Police Constable attached to Talegaon Dabhade Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.72/2018 registered with Talegaon Dabhade Police Station, Pune u/sec. 143, 144, 147, 148, 149, 307, 341 of I.P.C. and under Sections 4 (25) of the Indian Arms Act.

2. The FIR in this case is lodged by one Shubham Yadav. According to him, on 10/02/2018 there was some minor altercation between one Ashish Mechkar and Akshay Garade. The applicant is

the friend of the first informant Shubham Yadav. On 14/02/2018 at about 8.00 p.m., the first informant Shubham and his friend Ashish Mechkar were travelling on Activa two wheeler. When they reached Supreme Company, Urse, the first informant saw Rohan Garade, Aniket Garade, Sagar Manjal and present applicant standing there with two unknown persons. As soon as they saw the first informant and Ashish Mechkar, Rohan Garade came forward and stopped their vehicle. Suddenly Rohan Garade assaulted Ashish with sword. To protect himself Ashish tried to stop the blow with his hand due to which he suffered injuries. Thereafter, the first informant and Ashish started running away from the spot. Rohan Garade followed Ashish. After some time Ashish called their friend Rahul Dhamankar by making a phone call. Thereafter, they came to police station and lodged the FIR.

3. Heard Mr. Niranjana Mundargi, Ld. Counsel for the Applicant and Mr. Prashant Jadhav, Ld. APP for the State/Respondent.

4. Ld. APP has produced the investigation papers which includes the injury certificate in respect of Ashish Mechkar. There are two

injuries caused to his hand by sharp weapons. Thus, the narration in the FIR is corroborated by the medical certificate.

5. Mr. Niranjana Mundargi, Ld. Counsel for the Applicant submitted that the applicant had no role to play.

6. Considering the statements in the FIR, it is clear that the first informant and Ashish Mechkar were travelling from that road when the incident occurred. However, the main allegations are made against Rohan Garade who gave blow with sword and who chased Ashish after assaulting him. During the entire episode, there is absolutely no role attributed to the present applicant except the allegations that he was present at the spot. At this stage, it is difficult to observe that the applicant shared common intention with Rohan. In these circumstances, the applicant has made out a case for grant of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.72/2018 registered with Talegaon Dabhade Police Station, Pune the Applicant be released on bail on his executing P.R. Bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)