

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

BAIL APPLICATION NO. 933 OF 2019

Shri. Sachin Subhash Chalke	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

**WITH
BAIL APPLICATION NO. 587 OF 2019**

Shri. Alankar Pradip Ambre	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

**WITH
BAIL APPLICATION NO. 815 OF 2019**

Shri. Kapil Sunil Ambre and ors.	...Applicants.
vs.	
The State of Maharashtra	...Respondent.

**WITH
BAIL APPLICATION NO. 817 OF 2019**

Shri. Ravindra Yeshwant Ambre	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

**WITH
BAIL APPLICATION NO. 821 OF 2019**

Kannubhai V. Desai and anr.	...Applicants.
vs.	
The State of Maharashtra	...Respondent.

WITH
BAIL APPLICATION NO. 839 OF 2019

Vishal Mahadev Chalke and anr. ...Applicants.
vs.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 842 OF 2019

Anant Keshav Sutar and anr. ...Applicants.
vs.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 917 OF 2019

Sakharam Keshav Gore ...Applicant.
vs.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 959 OF 2019

Vinod Shantaram Chalke ...Applicant.
vs.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 962 OF 2019

Mr.Manaji Sadashiv Kadu ...Applicant.
vs.
The State of Maharashtra ...Respondent.

Mr. Milan Desai i/by T.R. Patel for Applicant No. BA No.587 of 2019.

Mr. Anand R. Pai i/by Santosh Jadhav for Applicant in BA No.817 of 2019.

Mr. Indrajeet Bhosale for Applicant in BA Nos. 815/2019, 821/2019,917/2019.

Mr. Harshad Sathe holding for Mr. Harshad Bhadbhade i/by Harshwardhan Salgaonkar for Applicant in BA No.933/2019.

Mr. Harshad Sathe h/f Harshad Bhadbhade i/by Prasanna Malse for Applicants in BA No.839/2019, 842/2019, 959/2019, 962/2019.

Mr. S.H.Yadav, APP for State in BA No.587 of 2019.

Mr. Prashant Jadhav, APP. in all remaining matters.

Mr. Anil Laxman Lad,PI from Dapoli Police Station present in court.

CORAM : P.N. DESHMUKH, J.

DATE : 28th March, 2019

PC :

1. All these applications are considered together since they are arising out of CR No.22/2019 registered by Khed Police Station for the offences punishable under Sections 143, 144, 145, 146, 147, 147, 148, 149, 152, 285, 307, 323, 324, 332, 333, 341, 352 353, 397, 427, 435, 506 of the Indian Penal Code, under Section 37(3) read with Section 135 of Bombay Police Act and under Section 3,4 and 7 of Prevention of Damage to Public Property Act, 1984.

2. Heard learned counsel for applicants respectively and learned APP. Perused the case diary.

3. It appears to be the case of prosecution that involvement of all the applicants is of mob coming together on highway seeking their demands for effective implementation of action against the alleged cows slaughtering which was in progress 8 to 9 days since prior to incident and for that purpose all the villagers from nearby villages has kept watch. It also appears to be the case of prosecution that police officers were also on watch of any such incident of cow slaughtering was to take place at village Dhamandevi forest area. In the background of above, it appears that in the night of 26.1.2019 police as well as villagers were secretly watching activity of cow slaughtering, if any, to have taken place at that time one vehicle occupied by five persons arrived and on seeing villagers left from the spot. Said vehicle was found intercepted by police however, one of the villager namely Pinty disputed the same to be the Scorpio which was occupied by five persons and then same was released. It appears that after vehicle left from the spot and since could not be apprehended by police in spite of attempts made, nearby villagers assembled together on the highway at

early hours at 5.00a.m. and by 8.15 all of sudden called for Rasta Roko. From the first information report, it is found that, there are about 300 to 400 villagers to have participated in Rasta Roko out of which some are named. Admittedly two of the applicants only are named in the FIR, whose role is duly considered later. Perusal of FIR would further reveal that during the course of said incident all the persons became wild and one amongst them namely Sandesh Chalke pelted stone which was hit to Dy. Superintendent of Police Nandedkar while few persons from the mob assaulted by sticks on his face, both legs and removed his gold ornaments.

Another Police Officer namely Gambhir was assaulted by Mohan Ambre, Ankush Kate, Suresh Kadu, Nana Chalke, Chandrakant Chalke and Pravin Ambre who are not before the court by sticks on his upper and lower limb and by fist and kick blows and his gold ring was also removed. Considering the act which took place as aforesaid, Police Officer Gambhir took shelter in the house of one Sachin Deolekar. After some time when the mob had disbursed, said officer came out from the said shelter and was referred to hospital. First information report further reveals that, in the said incident apart from assault as aforesaid on two police officers some police

officers are also injured who are named in the report and couple of police vehicles and one bus is damaged since set on fire.

4. In the background of above case, it is submitted that except applicants presence on the spot, no specific role is attributed nor any of the applicants are attributed with alleged specific overt act causing assault or setting vehicles on fire etc. None of the applicants except applicants Nanaji Kadu and Sachin Chalke are named in the FIR, however no role is attributed to them. Learned APP. on instructions even makes a statement that except applicants Alankar Ambre, Vinod Chalke rest of the applicants were only members of the mob. It is thus found that, there are no allegations against all these applicants except named as above. Even considering the case of these two applicants Alankar Ambre is attributed assault on police officer Chikane while applicant Vinod Chlke is attributed assault on Police Officer Nandedkar and Police Officer Gurav however, so far as involvement of Vinod Chalke, there is no specific role attributed to him except for stating that he was one amongst accused persons committing assault. Perusal of medical certificate of police officer Mr. Nandedkar as well as Mr. Gambhir would reveal that, they had sustained

simple injuries. Perusal of Medico Legal Certificate would reveal that police constables in the present offence are injured and sustained simple injuries. Learned APP makes a statement that one officer Nandedkar sustained fracture injury. Admittedly there is nothing to establish that who is his assailant.

Learned counsel for applicants apart from merits of the case has also argued the case seeking bail on parity and has submitted that this court by its order dated 6.3.2019 passed in BA No. 652 of 2019 has allowed the applicants therein to be released on bail and in fact submitted that case of present applicants is on better footing than those co-accused. Perusal of case diary would reveal that role attributed to applicants is similar as no specific role was attributed to them nor any recovery was effected from them. It is also material to note that, out of 29 arrested accused, in all ten accused are released by trial court who are similarly placed like applicants in BA No.652 of 2019.

5. For the grounds stated as aforesaid and as involvement of present applicants since appears to be on par with co accused who are released on bail, though investigation is in progress, applications are liable to be

allowed by imposing conditions as follows.

ORDER

- a) Applicants shall be released on bail in CR No.22/2019 registered by Khed Police Station for the offences punishable under Sections 143, 144, 145, 146, 147, 147, 148, 149, 152, 285, 307, 323, 324, 332, 333, 341, 352, 353, 397, 427, 435, 506 of the Indian Penal Code, under Section 37(3) read with Section 135 of Bombay Police Act and under Section 3,4 and 7 of Prevention of Damage to Public Property Act, 1984, on their executing PR bond in the sum of Rs.25,000/- each with one surety in the like amount.
- b) On being released on bail, the applicants shall mark their presence to the Investigating Officer on 15th day of each month till filing of charge sheet and shall not tamper with evidence.
- c) The applicant shall co-operate with the Investigating Officer.
- d) Applications are disposed off as allowed in above terms.

(P.N.DESHMUKH, J.)