

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1392 OF 2019

Nilesh Laxman Mengade] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Nitesh Mohite, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 28th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R. No.73/2019 registered with Paud Police Station, Pune under Sections 307, 143, 147, 148, 324, 323, 504, 506 r/w 149 of the Indian Penal Code.

2. The FIR is lodged by one Akash Karale on 26/02/2019. The FIR was lodged in respect of the incident which had occurred on 25/02/2019 at about 11.00 p.m. According to the first informant, there was some enmity between the applicant's group and the first informant's group. At the time of incident, when the first informant

and his other family members were present in their house, one Vilas, Gurudas, Ganpat and Devidas came in front of their house. Vilas and Gurudas were carrying iron rod, Ganpat was having stick and Devidas was having hockey stick. They picked up quarrel and started abusing the first informant's group. At that time, the present applicant, Hrishikesh, Pravin, Hanumant and Sharad came there. They were carrying hockey sticks. Thereafter, there was further quarrel and the applicant's group has allegedly assaulted the informant's group. Accused Gurudas and Vilas assaulted Somnath with iron rod on his head, Ganpat assaulted Somnath with stick. Pravin and Devidas assaulted the informant with hockey stick. It is alleged that accused Sharad, Hrishikesh and the present applicant assaulted Gurudas with hockey sticks. Akshay was assaulted by Ganpat and Hrishikesh with hockey sticks and wooden stick. Even informant's cousin Rohidas was assaulted.

3. Previously, the co-accused of the applicant namely Ganpat, Devidas, Hanumant and Sharad had preferred ABA No.1359 of 2019 before this court and they were granted anticipatory bail on certain conditions vide order dated 26/06/2019. The role of the present

applicant is exactly the same as that of the applicants Sharad and Hanumant who were granted anticipatory bail vide order dated 26/06/2019 passed in ABA No.1359 of 2019. Hence, on the ground of parity on the same conditions, the present applicant also deserve to be granted similar relief.

4. By the order dated 26/06/2019, this court has observed that there were frequent quarrels between these two groups in the area due to which there were law and order problems in the area and therefore vide that order, the applicants were directed not to enter that area till filing of the charge-sheet. Same condition needs to be imposed in this case also. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R. No.73/2019 registered with Paud 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. The Applicant shall not enter Mulshi Taluka as the Paud Police Station is situated within that Taluka till filing of the charge-sheet.

3. The Applicant shall inform the Investigating Officer in respect of the place of his residence.
4. The Applicant shall attend Paud Police Station as and when called.
5. The Applicant is permitted to enter that area to attend all the Court cases.
6. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)