

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1473 OF 2019

Sanket Ramesh Dalvi

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi with Sunil Kamble i/b Mr. Nitesh J. Mohite,
Advocate for the Applicant.

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

Mr. Nitin Gardi, PN, Paud Police Station, Pune.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 9th July, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with CR No. 149/19 registered with Paud Police Station, Pune under Sections 326, 324, 323, 142, 147, 148 and 506 of the IPC and under Section 135 of Maharashtra Police Act.
2. The FIR is lodged by one Vishal Dhage. According to him on 23rd March 2019 at around 10.30 p.m. there was quarrel between the first informant and one Akshay Kundekar. After that after some time, there was further quarrel between the first informant and Akshay's friends.

On the next day, i.e. on 24th March 2019 at about 4.00 p.m., the first informant, Ashish Dhage and Vishal Jadhav went to Akshay's house and discussed about the earlier day's incident. At that time again there was some incident and there was further quarrel. When the first informant and his group were going towards their house, about eight persons who are named in the FIR and three or four unknown persons came in their direction. According to the FIR, the present applicant was one amongst them. Those people started assaulting the first informant's group with fists. It is alleged that Ashutosh Pingle, Vishal Jadhav and present applicant assaulted with stone and others assaulted with fists. Thereafter, the first informant's group dispersed and they were chased. People from locality pacified both the groups. Then this FIR was lodged.

3. Heard Mr. Joshi, learned counsel for the applicant and Mr. Salvi, learned APP for the State.

4. Mr. Joshi submitted that in the present case allegedly there are four injured viz Vishal Jadhav, Ashish, Shankar and Shivaji. All of them were arrested in connection with the FIR lodged against them in the nature of cross complaint. That offence was registered vide CR No. 150/19 at the same police station. He therefore submitted that there

was free fight and FIR against the applicant does not reflect the correct facts.

5. As against this, the learned APP produced the investigation papers before me. The investigation papers contained injury certificates in respect of four injured. Shankar Zite had suffered grievous injury. Ashish had suffered serious injury on left elbow. Other injured suffered simple injuries.

6. The role attributed to the present applicant is very minor. There is no specific role of assault on any particular injured. There was a free fight between two groups. The first informant and Vishal had gone to the opposite group unnecessarily. Thereafter, this incident had started. Thus, from the allegations in the FIR it appears that the applicant's group was not the aggressors. However, this fact will have to be established during trial. At this stage, considering that a very minor role is attributed to the applicant, he deserves to be protected by anticipatory bail. There is no allegation that he had used any weapon. His custodial interrogation is not necessary. Hence, the order:-

ORDER

2. In the event of his arrest in connection with C.R.No. 149/19 registered with Paud Police Station, Pune under Sections 326, 324,

323, 142, 147, 148 and 506 of the IPC, the Applicant is directed to 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.)