

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

CRIMINAL BAIL APPLICATION NO. 2060 OF 2019

Atish Govind Gawande

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Piyush Toshnival I/b Mr. Harshal S. Patil, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State.
- Mr. Mahendra B. Gadhave, API, Bhosari Police Station, Pimpri-Chinchwad, Pune.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th JULY, 2019

P.C. :

1. The applicant is seeking bail in connection with CR No. 476/19 registered at Bhosari Police Station, Pune on 28th April 2019 under Sections 395 and 336 of the IPC, under Sections 37(1) and 135 of Bombay Police Act and under Sections 3 read with 25 of the Indian Arms Act.

2. The FIR is lodged by one Dhanraj Pandram on 28th April 2019. He has stated in his FIR that, on 28th April 2019, at about 12.15 a.m., he was sitting near his house in front of a temple. At

that time, he saw that his neighbour Pammi Bakshisingh Adiyal was encircled by four to five persons including the present applicant. One of them by name Rawan @ Sarfraj was abusing Pammi and was threatening him. When the first informant went to intervene, Rawan and his friend Irya started abusing the complainant. Thereafter, Rawan slapped him and removed Rs. 1000/- from his pocket forcibly. He was made to fall down on the road. Irya took out an iron rod. It is further mentioned in the FIR that, other four to five boys including the present applicant started pelting stones on people who had gathered there. While going away, accused Rawan removed a fire arm and pointed it towards the crowd which had gathered at the spot. Thereafter, all of them went away. On these allegations FIR is lodged. The applicant is arrested on 29th April 2019 and since then he is in custody.

3. Heard, Mr. Toshnival, learned counsel for the applicant and Mr. Jadhav, learned APP for the State.

4. Mr. Toshnival submitted that the applicant is not ascribed any serious role. The only role attributed to him is that he had pelted stones. He submitted that the applicant is 19 years of age

and is a student. He submitted that, his entire future will be ruined if he is not granted bail.

5. Learned APP opposed this application. He submitted that the offence under Section 395 of IPC is serious. All of them had come together and the first informant was robbed of Rs. 1000/-. A fire arm was shown to the crowd by one of the accused and therefore no case for bail is made out.

6. I have considered these submissions. I have perused the statements in the FIR. The statements in the FIR show that initially the incident was going on between Pammi and other accused. The present informant intervened to pacify them. At that time, suddenly the main accused Sarfaraj removed Rs. 1000/- from his pocket. Therefore, at this stage, it cannot be said that the present applicant was aware of the intention of the main accused Sarfaraj. All of them had come together to confront Pammi. The first informant accidentally happened to be there and therefore, he had suffered. In any case, the applicant is not attributed the main role of removing the amount from the informant's pocket. The applicant is not alleged to have been carrying any weapon. The

only role attributed to him was of pelting stones. The investigation reveals that nobody has suffered injuries in the entire incident. The fire arm was used by another accused Sarfaraj. The amount was also recovered by Sarfaraj. Thus, there is hardly any role against the present applicant.

7. Considering the fact that the applicant is a student and is of 19 years of age, I am inclined to release him on bail. Hence, the order:-

ORDER

1. The applicant is directed to be released on bail, in connection with C.R.No. 476/19 registered at Bhosari Police Station, Pune 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.)