

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2771 OF 2019

Ajay Dilip Lalage	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Debajyoti Talukdar for applicant.
Smt.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th December 2019

PC :

1. The applicant is seeking anticipatory bail in CR No.975 of 2019 registered with Hadapsar Police Station, Pune for offences under Sections 326, 323, 504, 143, 148, 149, 504, 34 of Indian Penal Code and under Sections 3 and 7 of Criminal Amendment Act. Subsequently Section 307 of IPC is added.

2. The case of prosecution is that on 1st October 2019 at about 2 pm, Shankar Avachite, Ankush Vakole and other boys were chatting at Varad Vinayak Temple. At about 2.15 pm, Somnath Mane, Gotya Pandhare and Pradip Khandagale and four other persons came on motorcycle and abused them. Gotya assaulted Ankush with sharp weapon on head. Somnath assaulted the complainant with sharp weapon. Other assailants also assaulted the complainant with wooden log and fist and kick blows. The FIR was registered on 2nd October 2019 with Hadapsar Police Station.

3. I have perused the FIR. The applicant has not been named in

the FIR. The role attributed to the unknown persons is that all of them had assaulted by fist and kick blows and wooden logs.

4. The co-accused Suraj Bhalekar was granted anticipatory bail by Additional Sessions Judge, Pune vide order dated 7th December 2019. He was amongst the unknown persons. However, the application of the applicant was rejected primarily on the ground that there are antecedents against applicant.

5. Learned APP submitted that the applicant is involved in three other cases registered vide CR No.152/2014, 250/2014 and 305/2014. It is submitted that one of the case was registered u/s 302 of IPC. Learned counsel for applicant, however, submitted that the case u/s 302 was relating to riots and the applicant has been granted bail in all those cases. Undisputedly the applicant has not been named in the FIR. The role attributed to the unknown person is vague. Other accused who were attributed specific overt act, were arrested and they are in custody. In the circumstances, case for grant of anticipatory bail is made out.

6. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.2771 of 2019 is allowed and disposed of;

(ii) In the event of arrest of applicant in connection with CR No.975 of 2019 registered with Hadapsar Police Station, Pune, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report the Investigating Officer on 23rd, 24th and 26th December 2019 between 10 am and 1 pm, and thereafter as and when called till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST