

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2778 OF 2019

Pravin Shivaji Pawar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Jaydeep D. Mane for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 18<sup>th</sup> December 2019

PC :

1. This is an application for anticipatory bail in CR No.620 of 2019 registered with Vijapur Naka Police Station, District Solapur, for offences under Sections 143, 147, 148, 149, 307, 323, 324, 504, 506 of Indian Penal Code, under Sections 3 and 25 of Arms Act and under Section 135 of Maharashtra Police Act.

2. The case of the prosecution is that while the complainant Ramesh Rathod was proceeding on his motorcycle, about 17 persons obstructed him. Some of them were armed with weapons. They had assaulted the complainant. The complainant preferred an application for anticipatory bail before the Sessions Court, which was rejected.

3. Learned counsel for applicant submitted that the accused Shekhar Jadhav and Deepak Pawar had preferred application for anticipatory bail before the Sessions Court, which was allowed. It is submitted that the role ascribed to the said applicants was identical

with the applicant. No overt act is attributed to the applicant in the commission of offence. The applicant was allegedly present with the other group of persons. Learned counsel for applicant submits that there are no criminal antecedents against the applicant.

4. Learned APP submitted that the applicant was member of unlawful assembly. He was amongst other persons who had obstructed the complainant and some of them had assaulted.

5. The perusal of the FIR indicate that about 17 persons who had intercepted the complainant and some of them were armed with weapons had assaulted the complainant. The applicant was undisputedly was not armed with weapon. The co-accused Deepak Pawar and Shekhar Jadhav were also allegedly present at the scene of offence and had played a similar role. The applicant and the said accused were not attributed any overt act of assault. The aforesaid accused were granted anticipatory bail by the Sessions Court.

6. Considering the aforesaid circumstances, case for grant of anticipatory bail is made out. Hence, I pass following order :

#### **ORDER**

(i) Criminal Anticipatory Bail Application No.2778 of 2019 is allowed and disposed of;

(ii) In the event of arrest of applicant in connection with CR No.620 of 2019 registered with Vijapur Naka Police Station, District Solapur, 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 23<sup>rd</sup>, 24<sup>th</sup> and 26<sup>th</sup> January 2019 between 10 am and 1 pm, and thereafter as and when called till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST