

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 897 OF 2020

Harshal Rajendra Kele

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. N.N. Desale, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
(VACATION COURT)
DATED : 10th NOVEMBER, 2020**

PER COURT :

This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 22 of 2019 registered with Deopur Police Station, Dist. Dhule for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 504, 506, 427 read with Section 149 of the Indian Penal Code, under Section 4/25 of Arms Act and under Section 37(1)(3)/135 of Maharashtra Police Act.

2. Heard. Perused First Information Report ("F.I.R.", for short) and related police papers.

3. F.I.R. has been lodged by Police Constable attached to Deopur Police Station. It is alleged in F.I.R. that on 27th February, 2019, the informant and some of the police personnel were on patrolling duty. The Police Station Officer informed the members of the patrolling party that about 8-10 boys armed with sticks were engaged in rioting at Prabhat Nagar. The informant and his colleagues, therefore, went there to find that 8-10 boys were engaged in a fight with one another. Persons residing in the colony were onlookers. It was found that the applicant and others were armed with sticks, iron rods, axe, etc. The incident was a fallout of an assault on one Rakesh Koli. The informant claimed to have known all the persons involved in rioting. He asked all of them to desist themselves from committing rioting. It has been mentioned in F.I.R. that Akash Panthare (co-accused) assaulted Avinash Pardeshi on head with scythe, Gaurav Narote (co-accused) assaulted Bhavesh Halde with an axe, Lakhan Lonari and Harish Chaudhari assaulted Harshal Kele (applicant herein) on arms, legs and back with wooden sticks, Rahul Suryawanshi assaulted Rushabh Patil with an axe. It is further alleged that Sumit Salve assaulted the applicant herein on his head with an axe.

4. Learned A.P.P. would submit that serious offence has been committed by the applicant. He is, therefore, not entitled for anticipatory bail.

5. Close reading of F.I.R. would indicate that applicant is the victim. No overt act has been attributed to him. He was assaulted on arms with

stick. It is reiterated that F.I.R. disclosed that the applicant to have been assaulted by not less than four persons. One of them assaulted him on his head with an axe.

6. In the aforesaid factual backdrop, the applicant needs to be granted anticipatory bail. Hence the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 22 of 2019 registered with Deoput Police Station, Dist. Dhule for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 504, 506, 427 read with Section 149 of the Indian Penal Code, under Section 4/25 of Arms Act and under Section 37(1)(3)/135 of Maharashtra Police Act, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)