

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 177 OF 2020

Santosh Raju Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Pramod Kumbhar h/f Mr. Priyal G. Sarda, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd January, 2020

PC :

1. This is an application for anticipatory bail in C.R. 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. The co-accused Pravin Shivaji Pawar has been granted anticipatory bail by this Court vide order dated 18th December, 2019 and the role attributed to the applicant is similar.

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 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. The co-accused Pravin Pawar has been granted anticipatory bail by this Court vide order dated 18th December, 2019 and the role attributed to the applicant is similar.

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.177 of 2020 is allowed and disposed of;
- ii) In the event of arrest of applicant in connection with C.R.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 attend Investigating Officer on 29th, 30th, & 31st January, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.

(PRAKASH D. NAIK, J.)