

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

ANTICIPATORY BAIL APPLICATION NO. 160 of 2020

Suresh Gajru Mohite

... Applicant

V/s.

The State of Maharashtra

... Respondent

.....

Rekha Musale, Nitin L. Rajguru for the Applicant.

A. A. Takalkar, APP for the State/Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21th JANUARY, 2019.

P.C. :

The Applicant is apprehending arrest in CR. No. 151 of 2019 registered with Walchandnagar Police Station, Indapur, Pune for the offences under Sections 307, 452, 327, 324, 323, 337, 504, 506, 143, 147, 148, 149, 435, 427 of the IPC, Sections 7 and 25 of the Arms Act and Section 135 of the Bombay Police Act. The First Information Report was lodged on 30th March, 2019.

2. It is the case of prosecution that, on 29th March, 2019 there was small quarrel between brother in law of the Complainant and one Sumit Mohite which was resolved. In the evening the Complainant along with sister in law and mother in law were sitting in front of their house, at that time, some

persons came there who were armed with weapons and they picked up quarrel. They abused the Complainant. Some of them were armed with sticks. It is further alleged that some of the Accused had assaulted by weapons. Their names disclosed in the First Information Report. It is alleged that rest of the Accused had assaulted by fist and kick blows. The Applicant was allegedly the person amongst them. Rest of the Accused were not armed with any dangerous weapon. It is also alleged that the Applicant took away the gold ornament of mother in law of the Complainant and the FIR was lodged for the aforesaid offences.

3. Learned Counsel for the Applicant submitted that the Complainant has implicated several person in the present case. Admittedly, the Applicant was not armed with any dangerous weapon. It is stated that the rest of the Accused were armed with sticks and they have assaulted the victims. Learned Counsel further submitted that several persons were granted anticipatory bail by the Sessions Court. Accused Sumit Mohite, Dhanaji Mohite, Sangita Mohite, Satish Mohite, Sagar Mohite, Bhayya Shivaji Khilare, Sunil Bhise and Akshay Mohite were

granted anticipatory bail by the Sessions Court. It is also submitted that some of the Accused were arrested and they were granted regular bail namely, Jayashri Bhise, Lata Bhise, Balubai Mohite, Deepak @ Dada Mohite, Samadhan Mohite, Rahul Bhise. It is also pointed out that active role was attributed to Accused Sunil Bhise and Dhanaji Amol Mohite.

4. Learned APP submitted that the role of the Applicant can be distinguished as the Applicant has allegedly taken away the gold Mangalsutra of the mother in law of the Complainant. The Applicant was present at the scene of the offence. He was a part of the unlawful assembly.

5. As per the complaint several persons were involved in the offences. The role of the Applicant is not specific. He was amongst the persons who had allegedly assaulted by kick blows. The persons who were attributed the role of assault, weapons like sword were named in the First Information Report. The version of the Complainant itself would indicate that the intention of the Accused was not to commit robbery or dacoity. Considering the fact that several other persons including those who have been attributed active role granted anticipatory bail

and some of them were granted regular bail. Learned Counsel for the Applicant contended that there are no criminal antecedents against the Applicant. In view of the above circumstances, case for grant of anticipatory bail is made out.

6. Hence, I pass the following order:

ORDER

- i) Anticipatory Bail Application No. 160 of 2020 is allowed.
- ii) In the event of arrest of the Applicant, in connection with CR. No. 151 of 2019 registered with Walchandnagar Police Station, Indapur, Pune the Applicant is directed to 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 applicants shall report Walchandnagar Police Station on 27, 28 & 29th January, 2020 between 11 a.m. and 1 p.m.
- iv) The Applications stand disposed of.

(PRAKASH D. NAIK, J.)