

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 299 OF 2020

Bharat Tukaram Jaid

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Chetan S. Damre, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

Mr. R. H. Mukhane, (P. N.) Aalandi Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th February, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 239 of 2019 registered with Aalandi Police Station, Pune for offences punishable under Section 115, 120(B), 143, 144 of Indian Penal Code and Section 4(25) of Arms Act.

2. The FIR was lodged by the Police Sub Inspector Crime Branch, Unit-1, Pimpri Chinchwad, on 1st August, 2019, it is alleged that, 10 to 15 persons formed unlawful assembly and they were armed with swords, sickle, knife, iron rod etc. They were in possession of dangerous weapons. The police received information in that regard and went to the place where mob of 30 to 40 people gathered with weapons. On noticing the arrival of the police, the accused started

running from the place of gathering. The police apprehended 23 persons. 10 to 15 persons ran away. The applicant had allegedly ran away from the place of incident. The applicant preferred application for anticipatory bail before the Sessions Court which has been rejected.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. There is rivalry between the applicant and Swapnil Bhosale. The mother of the applicant had lodged the complaint against Swapnil Bhosale. The applicant was not present at the place of incident. Admittedly he was not apprehended at the spot where the mob had allegedly gathered. The present FIR has been lodged as a counterblast to the previous complaint at the instance of the mother of the applicant. No role has been attributed to the applicant. No one is injured. Custodial interrogation of the applicant is not necessary.

4. Per contra learned APP submitted that the applicant was present at the place of incident. All the accused were planning to commit serious offence. They were armed with dangerous weapons. On receipt of information 23 persons were apprehended. Statement of eye witnesses were recorded in which the applicants presence has been referred to at the place of incident. The applicant was armed

with weapon.

5. Considering the submissions of both sides it can be seen that, several persons had gathered with dangerous weapons at the place of incident. The police apprehended them. There may be rivalry between the applicant and Swapnil Bhosale. However, the complaint is lodged by the Police Sub Inspector, attached to the Crime Branch. He has not animus against the applicant. The police reached at the spot on receipt of the information. Although the applicant was not apprehended on the spot, his presence was disclosed during the course of investigation. The statement of witnesses referred to presence of the applicant. In view of the above, no case for grant of bail is made out.

6. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 299 of 2020
stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)