

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

**ANTICIPATORY BAIL APPLICATION NO. 941 OF 2021**

Deepak @ Lalla Lakhan Chitte ... **Applicant**  
Age 25 years, Occu: Labour  
R/o Sakri Road, Krishna Nagar, Dhule

**VERSUS**

The State of Maharashtra, ... **Respondent**  
Through the Police Station Officer,  
Police Station, Deopur,  
Tq. & District Dhule

Mr Pramod C. Mayure, Advocate for the applicant,  
Mrs V. S. Chaudhari, A.P.P. for the State.  
Mrs. Nima R. Suryawanshi, assists to P.P.

CORAM : V. G. BISHT, J.  
RESERVED ON : 9th September, 2021  
PRONOUNCED ON : 16th September, 2021.

**ORDER:**

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.127/2021 registered with Deopur Police Station, District Dhule for the offences punishable under Sections 307, 449, 143, 147, 148, 149, 427, 323, 504, 506 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 12.07.2021, at about 9.45 p.m., while accused Sahil Rajesh Chitte was passing through the informant, he dashed him and therefore, the informant asked him that he should walk properly. Because of this, there was exchange of words

between them. The prosecution alleges that after some time, said accused and other accused alongwith 10-15 persons again came armed with weapons and assaulted the informant by means of fist blow. The informant's brother namely Bablu was given a blow of sword on his head and another brother by name Ajay @ Munna was also assaulted on the finger of left hand by means of sickle. First information report accordingly came to be lodged.

3. Mr. Pramod C. Mayur, learned counsel for the applicant, at the very outset, submits that name of the present applicant is nowhere reflected in the first information report and therefore, there is no allegation against him. The other accused came to be arrested on 14.07.2021 and are now under Magisterial custody. Weapons are already recovered by the investigating officer and in such circumstance, there is no necessity of custody of the present applicant.

4. Mrs. V. S. Chaudhari, learned A.P.P., on the other hand, invited my attention to the statements of eye witnesses who have given name of the present applicant and since investigation is in progress, present application does not deserve consideration, argued learned A.P.P.

5. Admittedly, name of the applicant is nowhere revealed in the first information report and since the name is not revealed, there is no question of attributing any overt act on his part. I have also gone through the investigation papers. However, from almost all the statements, it is not seen prima facie that the applicant was involved in

any overt act while being member of an unlawful assembly. I have also seen the injury certificates of prosecution witnesses who have suffered various injuries. However, since no specific role is attributed on the part of the present applicant, in my considered opinion, the application deserves consideration.

6. In view of above, I am inclined to allow the application. Hence, following order:

### **O R D E R**

- i. In the event of arrest of the applicant in connection with Crime No.127/2021 registered with Deopur Police Station, District Dhule for the offences punishable under Sections 307, 449, 143, 147, 148, 149, 427, 323, 504, 506 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.
  - ii. The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
  - iii. The applicant shall not tamper with prosecution evidence in any manner.
7. Application stands disposed of in the aforesaid terms.

**(V. G. BISHT, J.)**