

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

CRIMINAL BAIL APPLICATION NO. 1122 OF 2021

1. Sairaj Sunil Kakade
2. Shivam Udaykant Andekar Applicants

Versus

The State of Maharashtra Respondent

Mr. Ganesh Bhujbal for Applicants.
Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th MARCH, 2021

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No. 98 of 2021 registered with Chatushrungi police station, under sections 353, 504, 141, 143, 147 r/w. 149 of the Indian Penal Code (for short 'IPC') and under section 85 of the Maharashtra Prohibition Act.

2. Heard Shri. Ganesh Bhujbal, learned counsel for the applicants and Shri. Yadav, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by API Vishal Pawar. He has stated that, he was attached to Chatushrungi police station. He was given duty of patrolling in the area. On 18/02/2021, at about 3:00a.m. they observed a Brezza car bearing No.MH12/QT-7198 driven in suspicious circumstances. The vehicle was intercepted and it was asked to stop, but the driver did not stop the vehicle. Therefore, another patrolling car intercepted that vehicle. Five persons got down from that vehicle and started abusing, pushing and shoving the first informant and other police officers. The police officers called for reinforcement. Other police officers also came there. All the five persons were apprehended and brought to the police station. They seemed to be under influence of liquor. They were taken to Aundh Hospital, Pune for medical examination. The applicant Shivam refused to give his blood sample. On this basis the F.I.R. was lodged. The applicants were arrested on 18/02/2021 and since then they are in custody. The investigation is still in progress.

4. Learned counsel for the applicants submitted that the

incident is minor and they are already in custody for about a month and their further custody for investigation purposes is not necessary. The applicants are in Magisterial custody as of today.

5. Learned APP opposed this application. He submitted that the applicants have many criminal antecedents against them and therefore, bail should not be granted to them.

6. I have considered these submissions. At this stage, the investigation is going on and allegations in the F.I.R. cannot be doubted. However, the fact remains that, as of today the applicants are in Magisterial custody and their further custody for investigation purpose is not necessary. Therefore, bail can be granted to them. The applicants have not caused any serious injury to any of the police officers, except for allegations of abusing and pushing the first informant and other police officers. There are no other serious allegations against the present applicants. However, considering the submissions of learned APP that there are many antecedents against the present applicants, some conditions are

required to be imposed on them.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 98 of 2021 registered with Chatushrungi police station, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station once in a fortnight till filing of the chargesheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)