

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.766 OF 2021

Vaibhav Subhash Gandhe

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vivek B. Rane for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th March 2021

PC :

1. This is an application for anticipatory bail in CR No.297 of 2019 registered with Shahapur Police Station for offences under Sections 353, 332, 143, 147, 148, 149, 341, 435, 504 of Indian Penal Code.

Manish
S. Thatte

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Manish S. Thatte
Date: 2021.03.22
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2. The FIR was lodged on 3rd July 2019. It was alleged that on 2nd July 2019 at about 7 pm information was received that vehicle carrying animals was stopped by some persons near Bagecha Pada Forest Check Post and that several persons have gathered at the said place. On receipt of information Police visited the spot. It was noticed that tempo was obstructed by people and a mob of about 80 to 100 persons was gathered. Some of them were abusing the tempo driver and his associates and assaulting him with fist/kick blows and belt. Police tried to pacify the members of public. However, they did not adhere to the requests of police. Two persons who were being abused and assaulted, were brought to Police station. The members

of public, however, were requesting that custody of those persons be handed over to them. They threatened Police that if their demand is not accepted, they would set the vehicle of police on fire. They also charged at the police and manhandled them. Some of them were named in the FIR.

3. The applicant had preferred application for anticipatory bail before Sessions Court which has been rejected. Some of the accused were arrested after a period of about one year and they were granted bail.

4. It is submitted that about 17 persons were arrested and granted bail. The applicant was named in the FIR. Some of the persons who were arrested were granted bail by this Court. No specific overt act was attributed to the applicant. For a period of about one year, the accused were not arrested.

5. I have perused the order granting bail to some of the accused. While granting bail the Court had observed that considering the nature of allegations and the fact that accused were in custody, bail can be granted to them.

6. On perusal of the FIR it is apparent that mob had gathered at the place of incident on account of fact that the vehicle carrying animals was stopped by the mob and they were questioning the driver and his associates. About 80 to 100 persons had gathered. The incident is dated 2nd July 2019. Considering the factual aspects, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.297 of 2019 registered with Shahapur Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Investigating Officer on 24th, 25th and 26th March 2021 between 11 and 1 pm and thereafter as and when called for till filing of charge sheet.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST