

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

ANTICIPATORY BAIL APPLICATION NO. 1648 OF 2021

1. Kalpesh Yogesh Waghela
2. Paresh Yogesh Waghela Applicants

Versus
The State of Maharashtra Respondent

Mr. Prashant Gurav, for the applicants.
Mr. H.J. Dedhia, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 19th JULY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 212 of 2021, dated 25/04/2021, registered at Samata Nagar Police Station, Mumbai, under sections 353, 332, 504, 506, 188, 269 read with Section 34 of the Indian Penal Code and under section 51(b) of the Disaster Management Act.

2. Heard Mr. Prashant Gurav, learned Counsel for the
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applicant and Mr. H.J. Dedhia, learned APP for the State.

3. The FIR is lodged by Police Constable Ranjitsingh Rajput. He has stated that on 24/04/2021, he was on night duty. He was patrolling in area of Akurli. At about 9.15 p.m., he saw three persons sitting without masks. When the informant tried to make inquiry with them, they tried to run away. They went inside a colony and from there one of them threatened the informant. The informant ignored that. The informant went ahead. He again saw those three persons near BMC Colony. Again the informant went towards them. He caught one of them. He tried to free himself from the informant's grip. The other two abused the informant and started beating him. One of them gave a fist blow on the informant's chest. In the meantime, the person who was caught freed himself and all of them ran away. Other Police Officers came there to help the informant. They made inquiries. The person who had manhandled the informant was inside one house. The persons in the locality told the informant that his name was Hitesh Waghela. Police party asked him to come out.

He came out. On inquiry he told that two others were the present applicants. They were his brothers.

4. Learned Counsel for the applicant submitted that the incident is old. It has taken place on 25/04/2021. It was a petty incident. In that incident the applicant's brother Hitesh was arrested and he was in custody for more than 50 days. He submitted that the applicants have not played any major role. Therefore, their custodial interrogation is not necessary.

5. Learned APP opposed this application. He submitted that there is some role attributed to the applicants. However, he conceded that their role is minor.

6. I have considered these submissions. In the FIR, the main role is attributed to the person who was already arrested and he was in custody for sufficient time. The applicants role is minor. The incident had taken place in April. Their custodial interrogation is not necessary. Therefore, I am inclined to grant

anticipatory bail to the applicants.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.212 of 2021, registered with Samata Nagar Police Station, Mumbai, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station once in the fortnight till filing of the charge-sheet.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)