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

CRIMINAL BAIL APPLICATION NO.2857 OF 2021

Ravindra Dilip Dhodi and Ors. ..Applicants
Versus
The State of Maharashtra ..Respondent

Mr. Sudeep Pasbola i/by Ayush Pasbola, for the Applicants.
Mr. Ajay Patil, APP for the Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th DECEMBER, 2021

PC.

1. Applicants were apprehended on 28.03.2021 in Crime No.I-12 of 2021 registered with Gholwad Police Station for the offence punishable under Sections 395, 397, 307, 353, 332, 326, 341, 427, 120B of IPC and Section 65(a)(e) of the Maharashtra Prohibition Act

2. The prosecution case against the applicants is, accused Nos.1 and 2 are in habit of transport of liquor from Daman to Maharashtra. On the date of the incident after having intercepted by the police squad, other accused including applicants assaulted the police officials who were discharging their duties.

3. Submissions of learned counsel for the applicants Mr. Sudeep Pasbola are that there are no criminal antecedents against

the applicants. No specific role of active participation in the matter of assault on the police officials is alleged against the applicants but their physical presence. As such, he would claim that invoking of provisions of Section 120B of IPC against the applicants are not satisfied. He would further claim that even the ingredients of Section 307, 395, 397 of IPC cannot be inferred against the applicants.

4. While countering aforesaid submissions, learned APP would urge that name of co-accused – Sanket is specifically mentioned in a statement of eye witnesses. He further claimed that applicants formed a group with an intention to commit the offence thereby assaulting the public servant who were discharging their duties. According to him, *prima-facie* involvement of the applicants can be inferred.

5. Considered submissions.

6. Applicants before this Court are accused Nos.10, 11 and 12 who have suffered incarceration for more than nine months.

7. Perusal of the investigation papers though speaks of their physical presence on the spot of the incident, however, no specific role is attributed to each of them in the active commission of the offence under Section 307 and 353 of IPC or otherwise.

8. Apart from above, I am informed that there are no criminal antecedents against the applicants and test of identification parade was also conducted, in my opinion, case for bail is made out.

9. Applicants are directed to be released on bail in Crime No.I-12 of 2021 registered with Gholwad Police Station for the offence punishable under Sections 395, 397, 307, 353, 332, 326, 341, 427, 120B of IPC and Section 65(a)(e) of the Maharashtra Prohibition Act on executing P. R. bond of Rs.15,000/- each with one or more sureties in the like amount.

10. If applicants are found involved in similar type of offence, liberty to move for cancellation of bail.

11. Till the charge is framed, applicants shall remain outside the revenue jurisdiction of the Palghar district.

12. Applicants shall neither influence the witnesses in any manner nor tamper with the evidence.

13. As such, application stands disposed of.

[NITIN W. SAMBRE, J.]