

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1570 OF 2019

Gopal Dagadu Lahange

..Applicant

v/s.

The State of Maharashtra

..Respondent

Ms. Paavani Chadhra i/b. Abhishek Yende for the Applicant.

Ms. P.N. Dabholkar, APP for the Respondent-State.

Mr. Aniket Nikam i/b. Piyush Tashniwal for the Intervenor.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 4th AUGUST, 2021.

P.C.

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No. I-68 of 2019, registered with Wadivarhe Police Station, Nashik, for the offences punishable under Section 323, 326, 142, 147, 148, 149, 504, 506 r/w. 34 of Indian Penal Code.

2. The case of the prosecution is that on 24.06.2019, the results of Gram Panchayat elections were declared. It is alleged that the Applicant and the other co-accused formed an unlawful assembly, armed with deadly weapons, and that they abused and assaulted the members of the winning party. It is further stated that they caused

grievous injuries to the first informant- Bhoru Kharate and others. Crime was registered pursuant to the FIR lodged by Bhoru Kharate.

3. Learned Counsel for the Applicant states that chargesheet is already filed and that the presence of the Applicant is not required for the purpose of custodial interrogation. Shri Nikam, learned Counsel for the Intervenor, submits that the Applicant had caused grievous injuries to Indubai, and that the nature of offence committed by the accused would not justify grant of bail.

4. I have perused the record and considered the submissions advanced by the learned Counsel for the respective parties.

5. The records prima facie reveal that there is political rivalry between the Applicant, the other co-accused and the other group who had won the Gram Panchayat elections. There are cross cases registered against both the groups in respect of the alleged incident of 24.06.2019. Considering this aspect, this Court, (Coram: Revati Mohite Dere, J.) had by order dated 22.07.2019, granted interim bail to the present Applicant with directions to the Applicant to report to the Investigating Officer as and when called. It is stated that the

Applicant had reported to the Investigating Officer and had co-operated with the investigation. It is also not in dispute that investigation is completed and chargesheet has been filed. The presence of the Applicant is not required for the purpose of custodial interrogation.

6. Considering the aforesaid facts, this is a fit case for grant of pre-arrest bail on the following terms and conditions:

- i) The application is allowed.
- ii) In the event of arrest of the Applicant in connection with C.R.No. I-68 of 2019 registered with Wadivarhe Police station, Nashik, the Applicant is ordered to be released on bail on the Applicant furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigating Officer.
- iii) The Applicant shall not interfere with the witnesses or tamper with the evidence in any manner;
- iv) The Applicant shall attend the trial on each and every date of hearing;
- v) The Applicant shall keep the trial Court informed of his local / permanent address and mobile contact numbers and/or change of

residence or mobile details, if any, from time to time;

- . Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)