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

ANTICIPATORY BAIL APPLICATION NO. 2675 OF 2019

Mangesh Subhash Pagare ..Applicant
vs.
The State of Maharashtra ..Respondent

Ms.Aarti Sudam Taware, for Applicant.
Mr.N.B. Patil, APP for State – Respondent.

CORAM : M. S. KARNIK, J.

DATE: SEPTEMBER 29, 2021

P.C. :

. Heard learned Counsel for the applicant and learned APP appearing for State. The offence punishable under Sections 143, 147, 149, 326 of the Indian Penal Code, 1860 is registered with the Khadakpada Police Station, Kalyan in connection with the C.R. No. 361 of 2019. This is an application for pre-arrest bail. It is alleged that on the date of incident i.e. 18/10/2019 when the applicant was on his way back to home, he accidentally pushed a passerby. There was some exchange of words between the complainant and said person. The applicant along with others came to the help of the said person and assaulted the complainant. One of the accused Akash

Waghmare assaulted complainant by means of stone on his head. Two to three persons standing nearby assaulted the complainant by fist and kick blows. The role assigned to the present applicant is that of fist and kick blows. The complainant suffered serious injuries. The grievous injury is attributed to the accused – Akash Waghmare who has since been arrested and released on bail. My attention is invited to the order dated 09/08/2021 passed by this Court in ABA/2594/2019 in respect of the co-accused – Abhijit Suraj Gaikwad. The role assigned to the applicant is very similar to that of Abhijit Suraj Gaikwad. Considering the nature of the complaint and the manner in which the incident had happened, the applicant is entitled to pre-arrest bail. The custodial interrogation of the applicant is not required. The applicant has been granted interim protection by this Court since 06/12/2019. Learned Counsel for the applicant states that he has attended the Police Station as and when called. Hence, the following order is passed.

ORDER

(i) Application is allowed.

(ii) The interim protection granted on 06/12/2019 is confirmed.

(iii) In the event of arrest of the applicant in connection with C.R. No. I-361 of 2019 registered with Khadakpada Police Station, Kalyan, applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(iv) The applicant shall report to the Investigating Officer as and when called for.

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(vi) The applicant shall furnish any changed mobile number or report any change of his residential address to the Investigating Officer.

2. Application is disposed of.

(M.S. KARNIK, J.)