

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 655 OF 2022

Uttareshwar Govardhan Lokhande

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Mr. Kanade Angad L, Advocate for the applicant.

Mr. G.O. Wattamwar, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 16th JUNE, 2022.

PER COURT:-

1. Learned counsel for the applicant would submit that the applicant was a fruit seller and he hails from a different place from the place where the alleged incident happened. His name is not in the FIR. However, subsequently from the statement, his name has been brought in light by one witness. The FIR is silent as regards to his alleged role played in the incident. He has no concern with the villagers. He was there only to do his fruit selling business. He has no antecedents at his discredit. Hence, he may be released on bail.

2. Learned APP referring to the case diary vehemently argued that the presence of the applicant has been discovered from the statement of the witnesses. It is not possible to mention the name of each accused in the FIR. The offence is serious. There was stone

pelting on the policemen, however, the additional force saved the life of the police who were trying to prevent the illegal business and affairs. Therefore, the applicant is not entitled for anticipatory bail.

3. There appears substance in the submission of the learned counsel for the applicant that he is not named in the FIR. The FIR registered at the instance of the policemen is descriptive showing the names of each of the accused and the role played by them. However in subsequent statements, the name of this applicant had been unearthed. The nature of FIR shows that the policemen were well aware of the names of many persons involved. The possibility of mere presence of the applicant selling fruit in the fair where the incident happened, cannot be ruled out. In such situation presence, may not be material. There appears nothing to be recovered and discovered from him. Hence, the application deserves to be allowed. Therefore, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest of the applicant, Uttareshwar Govardhan Lokhande, shall in connection with Crime No.136/2022, registered with Pathari Police Station, District Parbhani for the offences punishable under Sections 307, 395, 353, 143, 147, 148, 332, 333, 323, 504, 506 of the Indian Penal Code, be released on bail, on furnishing PB. and S.B. of Rs.20,000/- (Twenty Thousand) with

(3)

one solvent surety in the like amount; on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//