

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

ANTICIPATORY BAIL APPLICATION NO.660 OF 2022

Randeepsingh Ishwarsingh Sardar ...Applicant

VERSUS

The State of Maharashtra ...Respondent

...

Mr. Mahesh K. Bhosle, Advocate for the applicant.
Ms. V.S. Choudhari, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 30th JUNE, 2022.

PER COURT:-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. Learned counsel for the applicant would submit that name of the applicant is not named in the FIR. However, in a supplementary statement of the injured, his name came to the light first time in the month of July 2021. The applicant has played no role in the alleged incident. He has been arraigned as an accused only on suspicion and having some cases registered against him. The police have adopted an easy way to arraign the accused as there are crimes to his discredit. The similarly situated persons more particularly the person causing simple injury have been released on anticipatory bail. The investigation is completed and nothing is to be recovered and discovered from the applicant. He has referred to the statement of

the injured which are recorded belatedly. He prayed that the applicant may be released on bail.

3. Learned APP has strongly opposed the application contending that since the day of the incident, the applicant is absconding. There were 300 to 400 people in the procession and suddenly they attacked the policemen, therefore, it could not be possible for the complainant to name each and every accused. But subsequently, the involvement of the applicant in the said attack against the public servant was transpired and accordingly, the injured have given the statements. Therefore, the application may be rejected.

4. The facts of the case are that the policemen have been attacked in one 'Hallabol' procession. It has been alleged that the police were attacked since police did not permit the 'Hallabol' procession. No doubt there were hundreds of people, perusal of the statement of the injured reveals that they have not stated the role played by the applicant except his presence on the spot of the incident. The role played by the applicant a factor to be considered while granting the bail. The learned APP is correct in pointing out that the antecedents is also one of the grounds to decline the bail, but the antecedents should be weighed with the allegations levelled in the case before the Court. The learned counsel for the applicant has expressed an apprehension of arraigning the applicant as an accused

only for the reason that some crimes are registered against him. Be that as it may, the law is settled that the earlier bad past may not be a ground to reject the bail.

5. After having gone through the orders granting anticipatory bail to the co-accused by the learned Sessions Judge and by this Court, it appears that the similarly situated persons much less the persons who have attributed serious role than the applicant have been released on anticipatory bail. Since the name of the applicant was unearthed in July 2021, it cannot be accepted that he was absconding from the date of incident. Considering the allegations levelled against the applicant, he may not be required for custodial interrogation. He is entitled to anticipatory bail. Hence, the following order:

ORDER

(I) The Application is allowed.

(II) In the event of arrest, the applicant, Randeepsingh Ishwarsingh Sardar, be released on bail, on executing P.B. and S.B. of Rs.25,000/- (Twenty Five Thousand) with one solvent surety in the like amount, in Crime No.114/2021 registered with Vajirabad Police Station, District Nanded for offences punishable under Sections 353, 307, 120-B, 326, 324, 323, 332, 333, 336, 427, 143, 147, 148, 149, 269, 270, 271, 186, 188, 504, 506 of the Indian Penal Code, Section 4/25 of the Indian Arms Act, Section 3(1) of the Prevention of

(4)

Damage to Public Property Act, Section 7 of the Criminal Law Amendment Act, Section 3 of Epidemic Act, Section 51(B) of the Disaster Management Act and Section 135 of the Bombay Police Act, on the condition that he shall attend the police station on every Friday and Wednesday between 11.00 am to 01.00 pm till 27.07.2022

(III) He shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)