

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

ANTICIPATORY BAIL APPLICATION NO. 500 OF 2022

Balu Mohan Shendge

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ashwin Thool i/b. Jaymangal Dhanraj for the Applicant.
Mrs. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 15th MARCH, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.575 of 2021 registered with Shivaji Park Police Station for the offences under Section 353, 332, 141, 143, 149 of Indian Penal Code.

2. Heard Mr. Thool, learned Counsel for the Applicant and Mrs. Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Vasant Pingale, ACP, Dahisar Division. It is alleged that on 6.12.2021, on the death anniversary of Dr. Babasaheb Ambedkar, while the Complainant was on bandobast duty at Baban Prabhu Chowk, he heard some people raising slogans. When he went to the spot, he saw that

about 40 to 50 persons had gathered and one person was giving speech. He states that the person who was giving speech, rushed towards him and pushed him against the barricade and ran away from the spot. He managed to catch 7 persons including Deepak Kedar, the person who was giving speech.

4. It is to be noted that the name of the Applicant is not reflected in the FIR. The material on record indicates that he was standing near the vehicle which was parked at the place of the incident. In my considered view, mere presence of the Applicant at the place of incident would not prima facie attract any penal provision. Under the circumstances, the Applicant is entitled for pre-arrest bail. Hence, the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No.575 of 2021 registered with Shivaji Park Police Station, the Applicant be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for four days from 21.03.2022, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

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(ANUJA PRABHUDESSAI, J.)