

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

ANTICIPATORY BAIL APPLICATION NO. 980 OF 2021

1. Mr. Rajendra Audumbar Virape,
2. Mr. Devidas Bhima Kadam,
3. Mr. Somnath Vilas Virape
4. Mr. Balu Bhiva Kadam

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Ritesh Thobde a/w. Sagar Tambe for the Applicant.
Mr. N.B.Patil, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 29th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No. 249 of 2021 registered with Mohol Police Station, District Solapur, for offences under Section 353, 143, 341, 323, 504, 506, r/w. 34 of Indian Penal Code.

2. Heard Mr. Thobde, learned Counsel for the Applicants and Mr. Patil, 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 Valmik Jalindar Nile, Sarpanch, of Village Panchayat -Sayyed Warwade. It is the case of the prosecution that on 10.03.2021, at about 10.45 a.m. while the Complainant was proceeding towards the Gram Panchayat to

attend the meeting, the Applicants and others formed an unlawful assembly, and restrained, abused and assaulted the Complainant with kicks and blows. Initially crime was registered under Section 143, 341, 323, 504, 506 of IPC. It is stated that subsequently Section 353 has been added.

4. On 7.4.2021, this Court had granted interim bail to the Applicants. Since the Investigating Officer is not present, learned APP is not able to state as to whether the investigation is completed. Even otherwise, considering the nature of the accusation, in my considered view, this is not a case which would justify custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R.No. 249 of 2021 registered with Mohol Police Station, District Solapur, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicants shall report to the Investigating Officer for two days on 2nd and 3rd May, 2022 from 11.00.am. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.

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

(v) The Applicants shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR

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by PRASANNA
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SALGAONKAR
Date:
2022.04.29
20:23:16 +0530

(ANUJA PRABHUDESSAI, J.)