

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1502 OF 2022

Prem Ganesh Chandane ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vikas Shivarkar, for the Applicant.
Mr. A. A. Palkar, APP for the State.
API M. S. Pathan, Sahakar Nagar Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED : 21st JUNE, 2022

ORDER:-

1. By this application under Section 438 of the Code of Criminal Procedure, 1973 ("the Code") the applicant seeks pre-arrest bail in connection with CR No.98 of 2022 registered with Sahakar Nagar Police Station, Pune, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ("the Code") and Sections 135 read with 37(1) of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law (Amendment) Act, 2013.

2. The gravamen of indictment against the applicant is that on 3rd May, 2022, at about 9.30 pm., at Sai Chowk, Padmavati, Pune, the applicant was a member of an unlawful assembly and in prosecution of the common object of the said unlawful

assembly, the first informant Tushar Aarne was assaulted by means of sickle and fist and kick blows with intent to commit his murder and thereby the applicant committed the offences of rioting and attempt to commit murder.

3. By an order dated 10th June, 2022 this Court granted interim protection noticing that the crucial role was attributed to co-accused, who allegedly assaulted the informant by means of sickle.

4. I have perused the first information report. The role of unleashing blows by means of sickle is attributed to co-accused Bhavdy Kuchekar and Sonu Dhade. The learned APP has tendered copy of the injury certificate of the informant Tushar, which reveals that the informant had sustained multiple injuries. But all the injuries were simple. It does not appear that while the informant was allegedly assaulted in prosecution of the common object of the unlawful assembly, the applicant was armed with any weapon.

5. In the aforesaid view of the matter, I am persuaded to exercise the discretion in favour of the applicant.

6. Hence, the following order:

: O R D E R :

- (i)** The application stands allowed.
- (ii)** In the event of arrest of the applicant in CR No.98 of 2021, registered with Sahakar Nagar Police Station, Pune, he be released on bail on executing a PR Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.
- (iii)** The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv)** The applicant shall cooperate with the investigation.
- (v)** The applicant shall attend Sahakar Nagar Police Station, Pune, on every Sunday from 10.00 am. to 1.00 pm. till filing of the charge-sheet.

[N. J. JAMADAR, J.]