

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1583 OF 2022

Vijay Subhash Gaikwad] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

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Mr. Anil Kamble for the applicant.

Ms. Veera Shinde, A.P.P. for the State.

Mr. Yogesh Mali, PSI attached to Ulhasnagar Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 24TH JUNE, 2022.

P.C.:-

1. The present applicant is arraigned as an accused in C.R. No.385 of 2021, which invokes Sections 143, 144, 147, 148 of the IPC read with Section 4, 25 of the Arms Act read with Section 7 of the Criminal Law Amendment Act.

2. The applicant faces accusations on a complaint filed by

one Shivaling Gowda, who has reported to the Ulhasnagar Police Station that about 01.30 a.m. on 01/11/2021, he could hear loud noise from the nearby MIDC locality. Immediately, within a short period of time, he could hear huge ruckus being created and the sound of breaking of glasses in his vicinity, too. When he came out of his house, he noticed 10 to 12 persons in the age group of 20 to 30 years, who were ransacking the rickshaws and bikes with the help of swords, rods and beer bottles in their hands. Amongst these persons, he could identify six of them, which included the applicant and he is the person, who is residing near the Bithalamata Temple. The persons, who indulged in the said act created a reign of terror in the locality and nobody dared to come forward. The complainant was also given the description of the vehicles, which were damaged by the said persons.

3. Learned counsel for the applicant would submit that, at that same time, when this incident is alleged to have occurred, another C.R. was registered against him in Kalyan Taluka Police Station under Sections 143, 147, 149, 307, 326 and 427 of the IPC and Sections 4 and 25 of the Arms Act.

4. On the last date, I asked learned A.P.P. to ascertain as to how it is possible that the applicant, who is arraigned as an accused in the present C.R. also happened to be an accused in another C.R., which took place with an interval of 30 minutes.

Learned A.P.P. states that both the areas are adjoining and, that is why, the complainant, who lodged C.R. No.385 of 2021 categorically states that 20 to 25 minutes before the accused persons arrived in their locality, they could be heard in MIDC area, creating ruckus and commotion. Learned counsel would submit that the investigation in respect of all other persons are complete and the charge-sheet is filed.

5. Learned A.P.P. has produced copy of the charge-sheet, in which the statements of several witnesses, who have witnessed the incident, are recorded. Unequivocally, they all, referred to the applicant as a person, who was present and participated in the said act. Merely because the investigation is complete as against the co-accused is not a ground to deny custodial interrogation of the applicant to the Investigation Officer.

6. The application is rejected.

[SMT. BHARATI DANGRE, J.]