

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2148 OF 2021

Shankarrav A. Shinde ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
INTERIM APPLICATION NO. 3533 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 2148 OF 2021

Prashant V. Dongre ... Applicant

In the matter of
Shakarrav A. Shinde ...Applicant
V/s.
State of Maharashtra ...Respondent.

Mr. Vishal Kolekar i/b Mr. Kishan Chaudhari for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.
Mr. Raviraj Paramane for the Intervener in IA 3533 /2022

CORAM : N.R. BORKAR, J.
DATE : 12.12.2022.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure (Cr.P.C.) for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.12 of 2021 registered at Vadgaon Maval Police Station, Pune Rural for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 427, 354, 341, 504 & 506 of the Indian Penal Code (IPC) and Section 135 of Maharashtra Police Act, 1951.

3. According to the prosecution, on the day of incident which took place on 19 January 2021, the co-accused in the present crime, initially assaulted the deceased and his family members as some dispute arose between them on account of some rash driving. It is alleged that when the deceased and his family members were going to the police station to lodge the report in relation to the said incident, the present applicant along with other co-accused accosted them and assaulted them by koyta and sticks.

4. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned counsel for the intervener.

5. The learned counsel for the applicant submits that the only allegation against the present applicant is of outraging the modesty of the complainant i.e., mother of the deceased. It is submitted that no overt-act is attributed to the present applicant in alleged assault.

6. It appears that the deceased was initially assaulted and when he was going to the police station to lodge the complaint in relation to alleged assault the present applicant and other co-accused accosted him and assaulted by koyta and sticks. The applicant was part of said unlawful assembly. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail. Accordingly, the Anticipatory Bail Application is rejected.

7. In view of disposal of anticipatory bail application, the Interim Application for intervention does not survive and the same is also disposed of.

[N.R.BORKAR, J.]