

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2191 OF 2021

Mukesh Dilip Sahane ...Applicant

vs.

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2192 OF 2021

Amit Deepakrao Ghuge and Others ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr. S.T. Pandey a/w. Mr. Angela Singha, Ms. Anima Mishra, Me. Nagesh Avhad, Mr. Rakesh Mishra i/b. SBG Andamp Associates, for the Applicants

Mr. P.G. Gaikwad, APP, for the State.

Mr. Kishor Khandvi, API, Bhadrakali police station, Nashik present.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 21, 2022

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. These applications are preferred for pre-arrest bail in connection with C.R. No. 211 of 2021 for the offences punishable under sections 143, 147, 149, 336, 341, 504, 506, 188, 269 and 270 of Indian Penal Code, 1860; section 7 of Criminal Law Amendment Act, 1932.

3. The applicant in ABA No. 2191 of 2021 is the Councillor of Nashik Municipal Corporation. The applicants in ABA No. 2192 of 2021 are the functionaries of BJP, a political party. On 24th August, 2021 advocate Mrs. Shamlal Dixit (the first informant) lodged a report at Bhadrakali police station, Nashik with the allegations that on 24th August, 2021 while a meeting of the office bearers and political workers of Shivsena was being conducted at district office of Shivsena, the applicants and other office bearers of B.J.P. and their 75-100 accomplices came thereat armed with weapons and pelted stones and soda water bottles. The applicants and their associates insulted and intimidated the first informant and other witnesses.

4. On 13th September, 2021, this Court was persuaded to grant interim pre-arrest bail noting that except the offence punishable under section 7 of the Criminal Law Amendment Act, 1932 rest of the offences were bailable.

5. I have perused the investigation papers. The investigation seems to be complete for all intent and purpose. The genesis of the occurrence appears to be in a political rivalry over the utterances of a political functionary. The applicants were allegedly the workers of a political party. There was, it seems, commotion between two groups, each comprising a large number of persons.

6. In the aforesaid view of the matter, at this length of time, especially when the investigation is complete for all intent and purpose, the custodial interrogation of the applicants is not warranted. Moreover, the applicants appear to have roots in the society. Possibility of fleeing away from justice seems remote.

7. Hence, I am inclined to confirm the order of interim pre-arrest bail. Thus, the following order.

ORDER

- 1] The application stands allowed.
- 2] The order of interim pre arrest bail dated 13th September, 2021 stands confirmed on the same terms and conditions.
- 3] In addition, the applicants shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)