

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2771 OF 2022

Saurabh @ Sarjerao Chandrakant Deokar	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Satyam H. Nimbalkar a/w Mr. Abhishek Arote, Advocate for the Applicant.

Mr. A.A. Palkar, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	6 th OCTOBER, 2022.

PER COURT:

1. This is an application for anticipatory bail in C.R. No.782 of 2021, registered with Hinjewadi Police Station for an offences under Sections 143, 147, 148, 149, 308 and 324 of Indian Penal and Sections 4(25), 3(25) and 27 of Arms Act and Sections 37(1), 135 of Maharashtra Police Act.

2. The complainant and accused Akash Khengre were knowing each other. There was some dispute amongst them. Before the alleged incident the accused Ashish Pawar came in a car and they threw bottles towards the informant. On the next date some accused came in the car, they threatened. The pistol was shown to the watchman of the building. On the same day with the informant was standing in front of the hotel. He received call from accused Akash Khengre and inquired about his whereabouts. He was told

that, he intend to compromise the matter. Thereafter, Mahesh Gaware came in the car and told the informant to apologize to Akash Khengre. He caught hold of the collar of the informant and threatened him. The accused Mahesh Gaware, Akash Khangre, Sarjerao Devkar, Mayur Devkar, Ashish Pawar and three other chased the informant. Akash Khengre assaulted him with axe on hands which has resulted in injury. The other accused assaulted with fist and blows.

3. Akash Khengre was arrested and he was granted bail. Mahesh Gaware has been granted anticipatory bail by this Court vide order dated 14th September, 2021. While allowing the application it was observed that the complainant had given supplementary statement dated 13th December, 2021 in support of the said applicant.

4. The documents reveal that the applicant was not armed with any weapon. He was present along with the co-accused. The role of assault by fist and kick blows could be attributed to the applicant.

5. Learned APP submitted hat the presence of the applicant is established. He has participated in the crime.

6. Considering the fact that, the main accused has been granted regular bail and other accused accused was granted anticipatory bail by this Court and in the light of the overt act attributed to the applicant, he need not be subjected to custodial interrogation.

ORDER

- i. Anticipatory Bail Application No. 2771 of 2022 is allowed;
- ii. In the event of arrest of the applicant in connection with C.R. No. 782 of 2021 registered with Hinjewadi Police Station, the applicant be released on bail on executing P. R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. The applicant shall attend the investigating officer on 12th and 13th October, 2022 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- iv. Application stands disposed off.

(PRAKASH D. NAIK, J.)