

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.2248 OF 2023

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Akshay Babasaheb Bargaje ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Chaitanya C Mulawkar, for the Applicant.

Mrs. Veera Shinde, APP for the State-Respondent.

Mr. R. A. Yadav, API, Sinhagad Road police station,
Pune City.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 9, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.212 of 2023 registered with Sinhagad Road police station, for offences punishable under Sections 307, 323, 336, 427, 141, 142, 143, 144, 146, 147, 148, 149 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'), Section 4(25), 27(1) of the Arms Act and Section 37(1) read with Section 135 of the Maharashtra Police Act, the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to the prosecution, on 17 May 2023 at around 6:30 pm, the informant (Sagar Dilip Lokhande) went to the house of Rushikesh Vanshiv situated at Ambegaon to attend ceremony of

Mandavtala of brother of Rushikesh. At the said ceremony quarrel took place between Rushikesh and co-accused Monya Surve. Informant and Mayur Gawade called both of them and Ganesh Khandekar at 'Durga Cafe' near JSPM College road, Pune and resolved the quarrel at 10:00 pm. Thereafter, informant dropped Rushikesh to his house and went to the said spot along with Mayur for dinner at 10:45 pm. At that time the applicant and other co-accused namely Karan Kambhale, Ganesh Khandekar, Monya Surve, Mayur Parab along with their friends started to quarrel with the informant. Accused Karan gave fist blows to the informant and Mayur. The other accused persons including applicant pelted stones towards them. The Cafe owner and the workers also got injured in the said pelting of the stones. Thereafter, someone pushed Mayur in the Cafe and closed the shutter. The informant alone left on the spot. Thereafter, one person being weared sky blue shirt and short pant came towards informant and assaulted with one sickle. The informant dogged the blow. However, he had serious bleeding injuries on the wrist and on his head. Thereafter, accused persons fled away from the spot. Then, the people gathered there on the spot and they along with Mayur admitted him in Nawale Hospital for treatment. The informant report to the respondent police station.

3. On perusal of the First Information Report (F.I.R.) and other material on record, it appears that only role attributed to the applicant is of assault by fist and blows. The role assigned to the applicant is joint role along with other co-accused. The applicant has no criminal antecedents to his discredit. Therefore, the

applicant has made out a case for grant of relief under Section 438 of Cr.P.C. Hence, following order:

- a) In the event of arrest of the applicant in connection with C.R.No.212 of 2023 registered with Sinhagad Road police station, for offences punishable under Sections 307, 323, 336, 427, 141, 142, 143, 144, 146, 147, 148, 149 r/w 34 of IPC, Section 4(25), 27(1) of the Arms Act and Section 37(1) read with Section 135 of the Maharashtra Police Act, he be released on bail on furnishing PR. bond of Rs.25,000/-, along with one or two sureties in the like amount.
- b) The applicant shall remain present before the concerned police station on 11th, 14th and 17th August, 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.
- e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

4. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)