

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

ANTICIPATORY BAIL APPLICATION NO.555 OF 2024

1. Sadashiv Dashrath Dalvi,
2. Namdeo Chandrabhan Dalvi,
3. Dadasaheb Namdeo Dalvi, &
4. Amol Shrimant Dalvi. Applicants

Versus

The State of Maharashtra Respondent

Mr. Shailesh D. Chavan, Advocate a/w. Sumit Sawant for the
Applicants.

Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.16/2024 registered at Akulj Police Station, District-Solapur on 8.1.2024 under Sections 436, 327, 427, 324, 323, 504, 506, 143, 147, 148 read with 149 of IPC.

2. Heard Mr. Shailesh Chavan, learned counsel for the Applicants and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Akshay Parade. He has described the incident dated 7.1.2024. He was talking with his friends. At that time, around 40 to 45 motorcycles came towards them. There were around 70 to 80 persons. The present Applicants are specifically named by him as part of the mob. Those persons started issuing threats. It is alleged that the accused Vikas broke the headlight of the informant's two-wheeler. He assaulted the informant on his right hand. It is mentioned that Bharat, Ganesh and Vijay were also assaulted by stone by Vikas. The same accused Vikas snatched the informant's chain. All of them then went away. While going, they burnt some household articles kept in a tin-shed belonging to one Nana Dhotre. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicants submitted that there are no specific allegations against any of the Applicants. They have not caused any assault. The Applicants were part of a procession and the rival group has lodged this FIR with

malafide intentions. The Applicants have not caused any grievous injuries to anybody.

5. Learned APP produced the investigation papers. She submitted that the statements of four eye witnesses are recorded. They are Vijay Parade, Laxman Dhotre, Anil Parade and Ganesh Parade. She produced the medical certificate of Vijay Parade. He suffered fracture of his right hand finger. The other medical certificates were not available as of today.

6. I have considered these submissions. Vijay Parade has suffered fracture. Therefore, the offence under Section 326 of IPC may be made out. However, the important consideration would be as to whether any of the Applicants can be said to be a member of an unlawful assembly whose object was to commit that offence. As submitted by learned counsel for the Applicant, they were part of a procession. The incident as described in the FIR has taken place. Significantly except mentioning the presence of the Applicants, the informant has not attributed any specific role to the Applicants. Even the statements of the aforementioned eye

witnesses do not attribute any particular role to a particular Applicant.

7. In this view of the matter, custodial interrogation of the Applicants will not serve any purpose. Some conditions can be imposed on them so that such instances are not repeated. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.16/2024 registered at Akulj Police Station, District-Solapur, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall report to the concerned police station once every week, till filing of the charge-sheet. They shall cooperate with the investigation.
- (iii) The Applicants shall not threaten any witness in this case.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.03.02
11:21:03 +0530

(SARANG V. KOTWAL, J.)