

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

ANTICIPATORY BAIL APPLICATION NO. 657 OF 2024

YUGANDHARA
SHARAD
PATIL

Pradeep Ashok Gaikwad & Ors

.... Applicants

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Versus

The State of Maharashtra

.... Respondent

Mr. Sachinkumar Rajepandhare, for the applicants.

Mr. Avinash A. Naik , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 7th MARCH, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 353 of 2015 registered at Faujdar Chawadi Police Station, Solapur, on 13/10/2015 under sections 143, 147, 148, 149, 353 of the Indian Penal Code and under section 135 of the Maharashtra Police Act.

2. Heard Mr. Rajepandhare, learned counsel for the Applicants and Mr. Naik, Learned APP for the Respondent-State.

3. The FIR is lodged by Assistant PI Santosh Gaikwad,
y.s.patil

attached to Faujdar Chawadi Police Station, Solapur on 13/10/2015. He has stated that there was a procession in respect of Navratri festival. At that time, there was some incident, when the present Applicants assaulted one person Pavan Khandekar for which a separate offence was registered. The subject matter of the present FIR was that when the police officers tried to catch the assailants including the present Applicants, they pushed the police officers, manhandled them and ran away. On this basis, the FIR is lodged. The offence is old. The investigation was completed a long time ago. The charge-sheet is already filed. Charge-sheet contains the statements of other police officers who were present at the spot.

4. Learned counsel for the Applicants submitted that they apprehend their arrest on two counts. Firstly, the Police officers are after them; since, as of today, formal bail bonds were not executed in this case. The Police are likely to arrest them. Secondly, the trial Court has issued non-bailable warrant against the Applicants as they could not remain present before the Court in this situation.

He submitted that the Applicants have faced the trial in respect of assault on Pawan and in that case, the accused therein are acquitted. He submitted that after all these years, the Applicants' custodial interrogation is certainly not required and they are willing to remain present before the trial Court and face the trial.

5. Learned APP submitted that the roznama uploaded in the trial against the present Applicants shows that the Applicants had appeared before the trial Court and the NBW issued against them was cancelled.

6. I have considered these submissions. Learned Additional Sessions Judge, Solapur has rejected the Applicants' anticipatory bail application on the ground that the Applicants had not appeared before the learned Magistrate and he had issued non-bailable warrant against them. According to the learned Additional Sessions Judge, Solapur, the Applicants had to appear before the Magistrate and get the warrant cancelled. On these observations, their anticipatory bail application was rejected.

7. I have considered these submissions. It is not necessary to enter into various reasons as to why the learned Additional Sessions Judge, rejected their anticipatory bail application. Suffice it to say that the offence is quite old and the trial is ready for hearing. Learned counsel for the Applicants has stated that the Applicants shall attend the trial regularly and shall co-operate with its disposal.

8. In this view of the matter, there is no reason as to why the Applicants cannot be protected under section 438 of Cr.P.C. since they have apprehension that police officers may arrest them under the garb of conducting the investigation. Considering this situation, the following order is passed.

ORDER

- (i) In the event of their arrest in connection with C.R. No. 353 of 2015 registered at Faujdar Chawadi Police Station, Solapur, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thrity Thousand Only) with one or two sureties each in the like amount.

- (ii) The Applicants shall attend all dates before the trial Court unless prevented by a reasonable cause. They shall cooperate with the early disposal of the trial.
- (iii) With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)