

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.425 OF 2015

Arun Baburao Mane

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.V.V. Purwant for the Applicant

Ms.Veera Shinde, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 20, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is facing charges under sections 307, 392, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code as the offence is registered at C.R. No.173 of 2012 with the Koregaon police station, Satara. It is the case of the prosecution that the complainant Pramod Khape, who is a resident of Chimangaon Gotha, near Jarandeshwar Sugar Factory and Laxmi Organic Company, gave complaint to the Pollution Control Board, Satara that because of the illegally disposed of 'Spent-Wash', which is produced by the Laxmi Organic Company, the people were suffering due to pollution and also there was an apprehension of ground water pollution in the surrounding area. After the complaint was lodged by the complainant with the Pollution Control Board, action was taken against the tankers of the accused

persons by the Pollution Control Board on 30.12.2012 at 4pm. It is the case of the prosecution that on the same day at 5.45pm, when the complainant was standing outside his house, the applicant/accused arrived there alongwith the other co-accused armed with iron rod, sword and sticks. They assaulted him and threatened him to withdraw the case, otherwise they would not leave him alive. The complainant was injured and sustained incised wounds, so, he was sent to hospital. Thereafter, he registered the offence against the accused persons. The accused had earlier filed Anticipatory Bail Application and were given interim protection and subsequently it was withdrawn on 24.6.2013 from this Court on the ground that chargesheet was filed.

2. The learned Counsel for the applicant/accused submits that the applicant/accused surrendered himself on 7.2.2015. He submits that the applicant/accused was not armed with weapon, as alleged and only assaulted the complainant with hand and, therefore, he is to be released on bail. He further submits that all the other accused have been granted regular bail. Two of them were given the benefit under section 167(2) of the Criminal Procedure Code and another accused has been released on bail. The learned Counsel has, therefore, sought parity on the said ground.

3. The learned Prosecutor has opposed the application. She submits that the applicant/accused is a politically influential person.

4. I find it necessary to repeat the chronology of the incidents. At 4 o'clock, on 30.12.2012, the Pollution Control Board took action, immediately within 2 hours, the applicant/accused, as per the FIR, went there alongwith other persons in his Scorpio car and motor cycles. The persons were armed with weapons. The applicant/accused threatened the complainant that he should withdraw the complaint otherwise he would face the consequences. On perusal of the medical certificate, it shows that the complainant had sustained simple injuries. Another person one Dhairyasheel Khape, was also injured badly and had two grievous injuries. The mother of the complainant was also assaulted. The complaint discloses that on the same day, at night, after the said assault, at about 9 o'clock, the applicant/accused again had threatened the complainant on phone. It is to be noted that in June, 2013, the accused had filed Anticipatory Bail Application and the same was withdrawn on the ground that chargesheet was filed. Thereafter, the bail application was filed before the Sessions Court, which was rejected by the Sessions Court and hence, this bail application.

5. When this Court expressed its inclination to reject the application, at that time, the learned Counsel submitted that he wanted to withdraw the

application. On 13.6.2013, the earlier Anticipatory Bail Application was withdrawn because chargesheet against the other accused was filed. Now it is pointed out that the chargesheet is filed against the present accused on 9.3.2015. However, the learned Counsel for the applicant/accused chose to argue this matter. As aforesaid, it appears that the applicant/accused is a politically influential person and I am of the view that if at all he is released, he is likely to tamper the witnesses and will especially pressurise the complainant. Hence, the submission of the learned Counsel for the applicant/accused seeking parity, cannot be appreciated.

6. In view of the above, this application is rejected. However, as this application was filed prior to the filing of the chargesheet against him and though the applicant/accused chose to argue the matter before this Court, he is given liberty to file an application for bail before the Sessions Court.

(MRS.MRIDULA BHATKAR, J.)