

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.336 OF 2015**

Janardhan Dnyanu Jadhav
Versus
State of Maharashtra

....Applicant.
...Respondent.

Mr. Manoj Mohite, advocate for the Applicant.
Mr. D.P.Adsule, APP for the respondent-State.
IO Mr.D.G.Bagwe, API attached to Koregaon Police Station present.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 17, 2015.

P.C.:

Heard.

2 This application under Section 438 of the Code of Criminal Procedure, 1973 is moved by the applicant-accused as he is facing charges under Sections 307, 341, 326 read with Section 34 and 120-B of the Indian Penal Code, 1860.

3 The incident of assault has taken place on 27.3.2014 on the way to Koregaon, District: Satara. One Mr. Bhagwan Bhosale, who is a social worker belonging to the Communist Party was assaulted by fists and blows and stones when he was proceeding on motor-cycle of one Dilip Ghadge to Koregaon. His son lodged the F.I.R. and thereafter the

offence was registered.

4 Police have arrested till now 5 accused and the present applicant is accused no.6.

5 The learned counsel for the applicant-accused submitted that charge-sheet is filed in August, 2014 and the name of the present applicant-accused was not mentioned in the charge-sheet either as accused or as wanted accused. Only after the arrest of the accused no.4 on 19.1.2015, the police have falsely implicated the present applicant-accused. The learned counsel further submitted that there is no evidence against the applicant-accused except the statement of co-accused no.4 stating that the present applicant-accused was involved in the conspiracy of eliminating Bhagwan Bhosale. He submitted that in the absence of any evidence, applicant-accused is to be protected. He submitted that he is retired vice-president of Walchand Nagar Group.

6 Investigating Officer is present. The learned prosecutor submitted that name of the applicant-accused was not mentioned in the charge-sheet and he was not shown as absconding accused. Only three accused were arrested and charge-sheet was filed against those accused initially. However, accused nos.4 and 5 were arrested on 19.1.2015. While interrogating them, name of the present applicant was transpired as one of the conspirators in the assault on the victim.

7 Considered submissions of both the parties. Perused the application. It appears that except statement of co-accused stating involvement of the applicant-accused in the conspiracy, there is no other evidence to support involvement of the present applicant-accused. Statement made by the co-accused cannot be considered as admissible evidence under the present circumstances. Submissions of the learned prosecutor are considered that police are still investigating offence against the accused nos.4,5 and the present applicant-accused and they are hopeful about getting admissible evidence against them. However, as on today, there is no admissible evidence against the present applicant-accused. Therefore, I am inclined to confirm the interim anticipatory bail granted earlier to the applicant-accused by this Court by the order dated 5.3.2015. However, liberty is granted to the prosecution to move for the cancellation of anticipatory bail if at all they come across any evidence. Thus, the order is passed as follows:

(I) In the event of arrest, applicant-accused be enlarged on bail on furnishing P.R.bond in the sum of Rs.15,000/- and one or two sureties in the like amount.

(II) Applicant-accused shall attend the concerned police station on every Tuesday between 10 am to 12 noon for two months till 26.5.2015.

8 Application, accordingly, stands disposed of.

(MRS.MRIDULA BHATKAR, J.)