

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.636 OF 2015

Deepak D. Pujari

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.K.J. Patil for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.V.T. Jadhav, API, L.C.B.-Kolhapur – present

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

DATE: **JUNE 8, 2015**

P.C.:

1. This application for pre-arrest bail is moved as the applicant/accused is apprehending arrest in C.R. No.129 of 2014, which is registered for the offences punishable under sections 333, 341, 342, 353, 224, 225 r/w 34 of the Indian Penal Code and also under section 3(1)(25) of the Arms Act. It is the case of the prosecution that 5 co-accused who were convicted for the offence of murder were imprisoned in Kalamba Jail, Kolhapur. The co-accused Pintu was on parole. He did not submit himself to jail. However, at the instance of accused No.1, a conspiracy was hatched to escape from the custody of the police and accordingly, on 8.12.2014, when the accused No.1 was produced before the learned Judicial Magistrate, First Class at Panhala, the co-accused assaulted the

informant police constable and the other escort and accused No.1 alongwith the other accused, ran away from the custody of the police. Hence, the offence was registered against them. Accused Nos.2 to 5 were arrested. Thus, the accused after their escape stayed at different places and the applicant/accused, as per the case of the prosecution, has helped them to stay at his residence before and after the escape.

2. The learned Counsel for the applicant/accused has submitted that there is no case against the applicant. He is falsely implicated only on the basis of the statement made by the co-accused which has no evidentiary value. It is further submitted that the applicant/accused has come from a very good family and has not committed any offence. There is no necessity to interrogate him in the custody.

3. The learned Prosecutor while responding to this application, relied on the statement of some witnesses, who have stated that though he was called by the police in the course of investigation, he could not attend because the present applicant/accused had threatened them and directed them not to give any statement before the police against the accused No.1 and the other accused. He relied on the statement of two witnesses who revealed the role played by the applicant/accused of helping them to run away and also to stay away from the police.

4. Perused the FIR, the statements of the witnesses relied on by the learned Prosecutor. The accused No.1 and the co-accused including the present accused have committed serious offences. Accused No.1 was convicted for the offence of murder and one of them is on parole and has not returned. The manner in which the conspiracy was hatched and accused No.1 was allowed to run away by assaulting the escort and also considering the role attributed to the present applicant/accused of giving shelter to the co-accused is a serious one, it appears prima facie that the applicant/accused was fully aware of the criminal activity of accused No.1 and the co-accused and yet, he helped them and gave shelter and threatened other witnesses. It is not a case to grant pre-arrest bail.

5. In view of the above, the application is rejected.

(MRS.MRIDULA BHATKAR, J.)