

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 97 OF 2015

Anand Vilas Tandale

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. V. V. Purwant for Applicant

Mr. J. H. Ramugade APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 23, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 24/12/2014 in crime no. 268 of 2014 registered at Temburni Police Station for offence punishable under section 326, 506 r/w 34 of Indian Penal Code.

2) Learned APP has filed on record a report showing that police has already submitted a proposal under section 56 (1) (a) & (b) of Bombay Police Act, since 7 offences are registered against applicant. Investigating officer has expressed his apprehension that in the eventuality applicant is enlarged on bail, he would indulge into tampering of evidence and threatening the witnesses.

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3) Upon perusal of papers of investigation, it appears that injured Pravin Tupsundar has sustained simple injuries in the form of Contusion and Abrasions on left knee, forearm and elbow.

4) Learned counsel for the applicant submits that it prima facie appears that injured has sustained simple injuries and offence punishable under section 326 of Indian Penal Code is not made out. Learned counsel further submits that notice under section 56 of Bombay Police Act, proposing externment has been issued 4 months ago. Applicant has been in jail for nearly one month. In the eventuality that he does not file say or appear in the externment proceedings, the said proceedings would proceed Ex-parte and he would be deprived of principles of natural justice and therefore, prays for bail.

5) Taking into consideration the nature of injuries, this Court is inclined to grant bail, however, it is made clear that applicant shall not enter into jurisdiction of Temburni Police Station till the filing of Charge-sheet. It is made clear that observations made herein above are prima facie in nature and

shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant 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.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)