

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 232 OF 2015**

Anand Babu Deokar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok Kumar S. Dubey for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

WEDNESDAY, 18TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-124 of 2012 registered with the Kasa Police Station, Palghar for the alleged offences punishable under Sections 399, 307, 341, 402, 366, 427 r/w 34 of the Indian Penal Code.
3. The incident in question has taken place on 20th August, 2014 at about 11:15 p.m. It is alleged that the applicant along with three others were travelling in a Tata Zenon Vehicle and was following the

complainant's vehicle i.e. Mahindra Max. It is alleged that one of the co-accused pelted a stone as a result of which, the windscreen of the complainant's car was damaged. It is alleged that the complainant called for help, as a result of which, the villagers came and the car in which the present applicant along with others were travelling fled from the spot. It is alleged that on the return journey, the Tata Zenon came to a halt, as the villagers along with the complainant had blocked the road with stones. The applicant is stated to have been caught red handed on the spot and the other three persons who were in Tata Zenon, fled away.

4. Learned Counsel for the applicant submitted that the other two accused who were also in the Tata Zenon have been enlarged on bail by this Court vide order dated 21st January, 2015 in Bail Application No. 2676 of 2014 by this Court (Coram : P. D. Kode, J.). He submits that the role of the applicant is similar to the accused who were released, except for the fact that the applicant was found on the spot and the other two accused fled away from the spot. He submits that considering the nature of allegations, no offence under Section 307 or 399 can be said to have been made out.

5. Learned A.P.P opposes the bail application. He contended that the present applicant was found on the spot and the car i.e. Tata Zenon in which the applicant was travelling, was found with two gunny bags containing stones, nylon ropes and chopper. He further submits that there are two other cases which are registered as against the applicant; one is of the year 1999- an anti-corruption case and one C.R of 2014 for the alleged offences punishable under Section 379 of the Indian Penal Code.

6. Perused the charge-sheet and the statements on record. It is informed that the applicant is a police officer and is suspended from service. It also appears that the other two co-accused who were similarly placed as that of the present applicant and were travelling in Tata Zenon have been released on bail by this Court on 21st January, 2015. Considering the aforesaid material and considering the fact that the investigation is complete and charge-sheet is filed, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant Anand Babu Deokar be released on bail in connection with case No. C.R. No. I-124 of 2012 registered with the

Kasa Police Station, Palghar, on executing PR Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend Kasa Police Station, Palghar, on the first and third Saturday of every month between 10:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to contact any witness concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Vakola Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there are two consecutive defaults in attendance, or if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.