

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 573 OF 2015

Waman Ganpat Waghmare & Ors.	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Akhilesh Dubey i/b. Law Counsellors, Advocate for the applicants.
Mr. S.S. Pednekar, APP for the State.
Mr. V.B. Suryawanshi, P.S.I., Khandeshwar Police Station, Navi Mumbai present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 10, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are facing charges under sections 395, 326, 143, 144, 147, 148, 452, 504, 506, 427 of the Indian Penal Code and under sections 37(1) and 135 of Bombay Police Act in C.R. No. I-34 of 2015 at Khandeshwar Police Station, Navi Mumbai.

2. As per the case of the prosecution, the applicants/accused and his family members and co-accused are having family dispute on the ground of some political issues with their cousins. On 13th March, 2015 at night, the applicants/accused entered the office of Pritam Enterprises, which is run by the complainant, with iron rod and bricks and they assaulted the complainant and his family members. They took away nearly Rs.3,00,000/- forcibly from the office. Thereafter, the applicants/accused

were taken in custody on 5th April, 2015 and since then they are in prison. Hence, this Bail Application.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are falsely implicated due to political rivalry with their cousins. He pointed out that Jagdish Waghmare is one of the accused who has alleged cross-complaint against the complainant and his relatives, which is registered at C.R. No. I-35 of 2015 with Khandeshwar Police Station, Navi Mumbai. He submitted that the said case is also under sections 395, 326, 143, 147, 148 and also under section 135 of the Bombay Police Act. He submitted that those accused persons are granted bail. He submitted that the applicants are ready to deposit an amount of Rs.2,75,000/- in the Court of Judicial Magistrate First Class without prejudice. It is further submitted that the applicants will also give undertaking that they will not indulge into any kind of criminal activity with the complainant and his cousins.

4. Learned APP opposed the Application. He pointed out that these applicants/accused have threatened the complainant and pressurize to take back the complaint. He relied on the statement of the witnesses.

5. Perused the FIR. In the present case, these applicants/accused were granted ad-interim relief on 2nd June, 2015 on the ground that there

was death in the family. The other co-accused were arrested and they were not granted bail. However, as the applicants/accused are ready to deposit Rs.2,75,000/- on or about 22nd June, 2015 in the Court of Judicial Magistrate First Class and also ready to give undertaking before the police that they would not indulge into any criminal activity, I am inclined to grant pre-arrest bail to the applicants/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs. 20,000/-, with one surety in the like amount;
- iii) The applicants shall not tamper with the evidence;
- iv) The applicants shall not indulge into any kind of offence while on bail;
- v) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and Friday between 6 p.m. to 7 p.m. till the filing of charge sheet.
- vi) Breach of any of the conditions will amount to cancellation of bail forthwith.

6. The learned Judicial Magistrate First Class to decide this issue at

the end of trial and the amount of Rs,2,75,000/- is to be deposited in the bank.

7. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)