

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 576 OF 2015

Kishor Ranjitsingh Pardeshi & Anr.	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Uday P. Warunjikar i/b. Mr. Pravartak Pathak, Advocate for the applicants.
Mrs. R.V. Newton, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 16, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are facing charges under sections 307, 353, 379, 279, 287 of the Indian Penal Code, under section 184 of the Motor Vehicles Act in C.R. No. I-40 of 2015 registered at Manmad City Police Station, Manmad on 17th March, 2015 at the instance of Kailash Somnath Choudhari, who was the Circle Officer.

2. It is the case of the prosecution that on 17th March, 2015 in the afternoon, the complainant and his staff noticed one unnumbered dumper transporting sand and as they suspect that this has been transported without necessary permission, they asked the driver to stop, however, the driver drove the dumper in excessive speed. When they tried to stop the dumper, the driver Bhagwan Hiralal Lakare drove the dumper towards

them. However, they could save their lives by jumping off the road. Thereafter, the driver loaded off the sand in front of one dhabha and then he challenged the complainant and his staff of arrest and told that his employer Kishor and Bunty, i.e., present applicants, are powerful persons. Thereafter he parked that vehicle outside the house of the applicants/accused.

3. The learned counsel for the applicants/accused submitted that there is no evidence against the applicants. There are two cases registered against the present applicants/accused. One is the present case at Manmad and another C.R. I-42 of 2015 at Yeola on the same day. This Court has rejected Anticipatory Bail Application in that case. However, the present case is disassociated from the second offence and if the allegations made in the present FIR and other statements are examined independently, no offence is committed by these applicants/accused.

4. Learned APP opposed the Application. She submitted that there are antecedents against the applicants/accused.

5. There may be antecedents against the applicants/accused, however, it is necessary to see whether the applicants/accused have committed the offence under the present C.R. On perusal of the FIR, no

incriminating role is attributed to the applicants/accused. Hence, 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 shall be enlarged on bail upon furnishing P.R. Bond in a like amount of Rs.15,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall not tamper with the evidence.
- (iv) The applicants shall attend the concerned police station on every Monday between 10 a.m. to 11 a.m. till the filing of the charge sheet

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)