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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1255 OF 2015

Benrobinson Swaminathan	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Balwant Salunkhe i/b Mr.Subhash Hulyalkar, for the Applicant.

Ms.S.S.Kaushik, APP for the Respondent – State.

N.F.Shaikh, Yerwada Police Station, Pune.

**CORAM : REVATI MOHITE DERE, J.
DATE : 25th AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.

2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No. 267 of 2015, registered with the Yerawada Police Station, Pune, for the alleged offences punishable under Sections 307, 504, 506, 109, 143, 147, 148, 149, 120 of the Indian Penal Code.

3. The complaint has been lodged by Sainuddin Saiyadali Okhil. He has stated that he is running a hotel by the name 'Shabnam'. He has alleged that on 15th June, 2015 when he was in the Hotel, at about 3.00 p.m. in the afternoon, two persons came to his hotel and had a meal. It is alleged that when bill of Rs.120 was given to them, they refused to make payment saying whether he has recognized them. It is alleged by the complainant that when he insisted for payment of bill amount they threatened him and only on the insistence of the complainant paid the bill amount. It is alleged that at about 10 p.m. in the night the said two persons came in a silver car to the hotel and are alleged to have threatened and abused the complainant. Thereafter, it is alleged that one of them assaulted the complainant with a koyta on his head. After the assault the accused are alleged to have ran away.

4. Learned Counsel for the Applicant submitted that in the aforesaid C.R, five persons have been arrested. He submitted that in the complaint there are specific allegations only as against two persons, who had entered the hotel and assaulted the complainant. The description of the said two persons has also been given in the complaint. He submitted that

there is no material as against the applicant that he was present at the spot at the time of the alleged incidence.

5. Learned APP does not dispute the said fact that the applicant is not amongst the two persons who had entered the hotel and assaulted the complainant. She does not dispute the fact that the applicant does not have any antecedents.

6. Considering the fact that the applicant was not amongst the two persons who had entered the hotel and assaulted the complainant, the applicant deserves to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Yerawada Police Station, Pune on every Saturday, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet ;

- iii) The Applicant shall inform his latest place of residence and mobile contact number 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 Yerawada Police Station, Pune ;
 - iv) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
 - v) The Applicant shall co-operate in the conduct of the trial.
7. The Application is allowed and disposed of in above terms.
8. It is made clear, that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.