

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1795 OF 2015

Sagar Motilal Choudhary

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Ashok Mundargi, Sr. Advocate i/b Mr. Abhishek Yende, Advocate for the applicant.

Mrs. Veera Shinde, APP for the State.

Mr. K. D. Patil, Dy. SP, CID Crime, Nashik is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : NOVEMBER 26, 2015.

P.C.

. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in C.R. No.458 of 2015 registered with Panchavati Police Station, District Nashik, for the offences punishable under Section 306 r/w 34 of the IPC .

2. Heard Mr. Mundargi, learned Sr. Counsel for the applicant, and the learned APP for the State.

3. I have considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State, and perused the records. The records prima facie reveal that the applicant

herein had lodged a complaint against the deceased. Pursuant to the order passed by the Learned Magistrate under section 156(3) of Cr.P.C., crime No.76/2015 was registered against the deceased Ashok Sadare, PI of Jalgoan police station for offence under section 307, 511, 384, 385, 392 r/w.34 of the IPC. The said Ashok Sadre was suspended. He filed application for anticipatory bail which came to be rejected by the Trial Court and the application filed before the High Court, was rejected by this Court (Aurangabad Bench) by order dated 6/10/2015. The said Ashok Sadre committed suicide while he was under suspension. He has allegedly left a suicide note wherein he has alleged that the applicant herein had lodged a false complaint against him and that PI Superintendent of Jalgoan, had harassed him and instigated him to commit suicide.

4. As stated earlier, the crime was registered against Ashok Sadre in compliance with the order passed by the Magistrate under section 156(3) Cr.P.C. The anticipatory bail applications filed by said Ashok Sadre were rejected by the Trial Court as well as by this Court and as such prima facie at this stage it cannot be held that the allegations levelled against the deceased were false. In my considered view the allegations levelled against the applicant do not justify custodial interrogation. The applicant is a permanent resident of

Jalgoan Taluka and there is no possibility of the applicant absconding or thwarting the course of justice.

5. Under the circumstances, the applicant is entitled for bail. Hence, the anticipatory bail application is granted on the following terms.

i) In the event of the arrest of the applicant in Crime No.458 of 2015 registered with Panchavati Police Station, District Nashik , the applicant be released on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned JMFC, Nashik.

ii) The applicant shall report to the Investigating Officer, initially for a period of 7 days from 10 a.m. to 1 p.m., and thereafter as and when required by the Investigating Officer for the purpose of interrogation and investigation.

iii) The applicant shall not leave Jalgoan Taluka till filing of the charge-sheet without prior permission of JMFC, Nashik.

(ANUJA PRABHUDESSAI, J.)