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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1593 OF 2014

Dr.Sunil Balkrishna Parhad and Anr.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.S.C.Kanojia, for the Applicants.

Ms.Rutuja Ambekar, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATED : 12th MARCH, 2015.

PC.

1. Heard learned counsel for the applicants and learned APP for the Respondent – State.

2. By this application, the Applicants seek their enlargement on bail, in the event of their arrest, in connection with C.R.No.I-43 of 2014 registered with the Vangaon Police Station, Palghar, for the alleged offences punishable under Sections 120(B), 302, 395, 396, 143, 147, 148, 149, 504, 506, of Indian Penal Code r/w 37(1)(3) and 135 of Bombay Police Act.

3. According to the complainant, the incident in question has taken place on 31st October, 2014, at about 12.00 noon. One Mahesh @ Ravi Laxman Chaudhary a resident of Vangaon, has lodged an FIR with the Dahanu Police Station. According to the complainant, his wife had entered into an agreement of sale to purchase survey no.83, 84 and 86 from one Shailesh Govari, Dattu Vajya Umtol and one Kindra. Accordingly, a registered power of attorney was executed. It is alleged that pursuant to the same, one Manoj Patil, Jagdish Tandel and Parshu Tandel had raised a dispute, by joining hands with the members of the Adiwasi Ekta Parishad. According to the complainant, at about 8.00 a.m., when the complainant had gone to his farm, he received a call at about 12 noon, from one Suresh Machi, who informed him that the present applicant along with 20 others had come to his farm house and that they were armed with wooden logs, iron bars, sickle, axe, hoe(kudal), crow bar, chopper and chilly powder. At the relevant time, complainant's son Mayur and others viz., Suresh Machi, Shailesh Govari and Abhi Patel were sitting talking with each other in the farm house. It is alleged that Manoj Patil, assaulted Mayur on his neck by means of a sickle ; Jagdish Tandel assaulted Mayur on his chest by means of chopper ; Parshu Tandel assaulted Mayur on hand by means of sickle and the other accused

persons were instigating them to kill Mayur. It is alleged that the other accused persons also threatened and assaulted Abhi Patel, Shailesh Govari and other labourers and ran away from the spot. According to the complainant, the present applicants had accompanied Manoj Patil, to the house of the complainant.

4. From the perusal of the statement of the complainant and the statement of the 3 eye-witnesses, it is evident that all the accused had come there with the other accused to commit the alleged offence. There are eye witnesses to the said incident.

5. Learned Counsel for the applicants submitted that the applicants were not present at the spot at the time, when the alleged incident had taken place, nor is any overt act attributed to the present applicants.

6. Learned APP has pointed out a letter received from Reliance Infrastructure Limited, to show that the applicant no.1 was not present in the office, at the relevant time i.e. from 10.30 a.m in the morning upto 4.30 p.m., in the afternoon.

7. Considering the fact, that the applicants name have been disclosed by the complainant as well as by the 3 eye-witnesses, this is not a fit case for granting pre-arrest bail to the applicants. Custodial interrogation of the applicants is necessary. The nature of allegation are serious. Apart from the aforesaid, there are two cases which have been registered as against the applicant no.1, previously, in connection with the similar offences.

8. Hence, the Application seeking pre-arrest bail is rejected and disposed of as such.

9. Needless to observe, that if the applicants prefer an application seeking regular bail, the appropriate Court shall decide the same on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)