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requested to give appropriate direction regarding the application for bail to be preferred by the applicant.

2. The learned counsel has pressed the prayer for pre arrest bail for applicant No.1 on the count of no material has been collected during the course of investigation showing nexus of the applicants with the incident in question. It is submitted that applicant No.2 being a brother of the applicant No.1 and merely because applicant No.2 had given a call to applicant No.1 which is before the incident by itself would not be a good material to support the prosecution's bone contention of the incident is the outcome of the conspiracy hatched by applicant No.1 with the other co-accused.

3. The crime in question was registered with Bhoiwada police station, Bhiwandi upon F.I.R. lodged by one Sikandar Shaikh on 10-12-2014 at about 4.20 p.m regarding an incident which had

occurred on the same day at about 3.15 pm in which the deceased effecting repair to a pipeline was questioned and assaulted by one Ahamad @ Pappu.

4. Admittedly, applicant No.1 was not present at the time of incident. Though the prosecution has placed reliance upon earlier N.C. registered with Bhoiwada police station regarding earlier incident occurred on 02-12-2014 in which the applicants along with some other person having given threatening for effecting the same work. The said material can not be said to be useful for the prosecution to advance its case against the applicant No.1.

5. Though learned APP has tried to place reliance upon the CDR report pertaining to talk ensued in between applicant Nos.1 and 2 at about 2.51 pm to 2.53 pm, considering their relationship, merely on such circumstance the involvement of applicant No.1 with the incident can not be

inferred. Another reliance placed upon audio clip is also not worthy for any meaningful purpose for the prosecution to advance it's case against applicant No.1 as the said talks are ensued in between applicant No.2 and the deceased.

6. As the applicant No.1 is said to be a sitting Corporator, there appears substance in the submissions canvassed that the applicant No.1 has been tried to be roped falsely probably due to his relationship with applicant No.2.

7. Having regard to it and as there exists no material *prima facie* establishing of applicant No.1 nexus with the incident in question, his application deserves to be allowed.

8. Resultantly, application is disposed of in the following terms.

9. As informed the applicant No.2 to

surrender before the remand Court on or before 14-01-2015 by 11.00 am. In the meanwhile, the applicant No.2 to stay at the address mentioned in the application and not to change the same without permission of this Court and to attend the investigating officer everyday in between 11.00 am to 1.00 pm and not to directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him/her from disclosing such facts to the investigating officer and not to misuse the protection granted by this order for fleeing away or for any other oblique purpose.

10. In the said premises, the investigating officer of aforesaid crime not to take coercive steps of arrest against the applicant No.2 upto 14-01-2015, 11.00 a.m.

11. In event of applicant No.2 preferring an application before the Court of Session, the Court

of Session shall decide the same at the earliest subject to it being preferred after surrendering, and advance copy of it be served upon other side.

12. Investigating officer of the said crime is directed that in event of arrest of applicant No.1 in connection with aforesaid crime, he be released on bail upon executing P.R Bond in sum of Rs. 2,00,000/- (Two lacs) with one or more sureties to make up like amount and subject to conditions that the applicant No.1 shall

(i) stay at the addresses mentioned in the application.

(ii) attend the investigating officer on every alternate day in between 11.00 am to 1.00 pm and thereafter on every Monday and thereafter on other day on which he would be summoned.

(iii) not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusation

against them so as to dissuade him/her from disclosing such facts to the investigating officer.

(iv) not misuse the protection granted by this order for fleeing away or for any other oblique purpose and

(v) not to leave the jurisdiction of this Court without permission of this Court.

Application stands disposed of.

(P.D. KODE, J.)