

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4362 OF 2016

Shri Poonam S/o Jayant Durve,
Age : 54 Years, Occu. : Service,
Resident of, "Durve Niwas",
Fatte Ali Road, Behind Corporation Office,
Dombivli (East),
PIN – 421 201.
Maharashtra

... APPLICANT

VERSUS

The State of Maharashtra,
At the instance of, Kranti Chowk Police Station,
A'bad.

... RESPONDENT

. . .

Advocate for Applicant : Mr. Abhaykumar D. Ostwal.
APP for Respondent/State : Mr. S. B. Yawalkar.

. . .

CORAM : A. M. BADAR, J.

DATE : 29th AUGUST, 2016.

PER COURT :

1] Heard. Applicant / accused in crime No. 476/2016, registered with Police Station Kranti Chowk, Dist. Aurangabad, for the offences punishable under Sections 420, 465, 468, 471 r/w 34 of I.P.C. At the instance of Damodhar Haribhau Navpute, by this application is seeking pre-arrest bail.

2] The learned counsel for the applicant drew my attention to the order passed by my learned Predecessor in Criminal Applications No. 3546 of 2016 and 3547 of 2016 on 28th July, 2016 and argued that, applicants in those applications were prime accused against whom more severe allegations are made in the F.I.R., but they are already released on anticipatory bail by this Court. Hence, the learned counsel for the applicant submits that, the applicant who has played role in the crime in question, needs to be given same treatment.

3] The learned APP has not disputed the fact that, co-accused named Mr. Vitthalrao Raghunathrao Ambarwadikar and Prakash Narayanrao Gaikwad are already granted anticipatory bail by this Court on 28th July, 2016.

4] In view of the fact that, co-accused against whom some serious averments are made in the F.I.R., have already been granted anticipatory bail by this Court, there is no reason to deny same relief to the present applicant. Therefore, in view of the reasons stated in the order dated 28th July, 2016 in Criminal Application Nos. 3546 of 2016 and 3547 of 2016, present applicant also needs to be granted anticipatory bail, and as such the order :-

- i) The application is allowed.

- ii) The interim order dated 8th August, 2016, granting ad-interim anticipatory bail to the applicant, is confirmed on the same terms and conditions.
- iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant to attend concerned police station on 4th September, 2016 in between 11:00 a.m. to 01:00 p. m. and he shall cooperate the Investigating Officer in investigation of the crime in question till filing of the charge-sheet.
- vi) The applicant shall not repeat commission of similar type of offence in future.
- vii) The application stands disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE