

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.149 OF 2016

Sujit Suhas Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.150 OF 2016

Vishwanath Ananda Raikar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Sandeep S. Koregave, Adv. for the applicants.

Mr. Arfan Sait, APP for the State.

Mr. Aaudumbar B. Patil, PI, Gadhinglaj, Police Station present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 1st February, 2016.

P.C. :

1. These are the applications under Section 438 Cr.P.C. filed by the aforesaid applicants apprehending their arrest in Crime No.200 of 2015 registered with Gadhinglaj Police Station, Dist. Kolhapur for offences punishable under Sections 307, 341, 143, 147, 148 & 149 of IPC.

2. The case of the prosecution in brief is that on 21st December, 2015 at about 9.30 pm the applicant along with 7 to 8 other co-accused poured kerosene on the complainant Maruti Patil

and threatened to set him on fire. Pursuant to the complaint lodged by Maruti Patil, the aforestated crime came to be registered. Some of the co-accused were arrested and have been subsequently released on bail. Apprehending their arrest the applicants herein had filed anticipatory bail application before the Addl. Sessions Judge, Gadhinglaj. Said applications were dismissed vide order dated 6th January, 2016. Hence these present applications.

3. Heard Mr. Koregave, the learned counsel for the applicants and Mr. Sait, the learned APP for the State. The FIR prima facie reveals that on 21st December, 2015 at about 9.30 pm while the complainant Maruti Patil was proceeding towards his residence on his motorcycle, he had seen 7 to 8 boys standing on the road and they asked the applicant Vishwanath Raikar, whether he was the same person. At that time he saw three to four boys holding plastic bottles, iron rods and sticks. They tried to stop his motorcycle and poured petrol on his body. He heard some of the boys saying that he should be set on fire. The complainant therefore ran away from the spot and lodged the complaint.

4. The records prima facie reveal that there is previous enmity between the parties. The wife of Vishwanath Raikar had

already lodged a complaint which was registered as NC. Subsequently, she had lodged the complaint before S.P. Kolhapur complaining that no action was taken against all the persons named in the complaint.

5. The records also reveal that the applicants herein had not caused any injury to the complainant and had merely threatened to set him on fire. The nature of the allegations as well as the age of the applicants would not justify custodial interrogation. The applicants are the permanent residents of Kolhapur and have no criminal antecedents.

6. Considering the above facts and circumstances the applications are allowed on the following terms and conditions.

1. In the event of arrest of the aforesaid applicants in Crime No.200 of 2015 registered with Gadhinglaj Police Station, Dist. Kolhapur, the applicants shall be released on bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one surety in the like amount to the satisfaction of the JMFC, Gadhinglaj.

2. The applicants shall report to investigating officer for 7 days from 10 am to 1 pm. from the date of the receipt of the order or as and when called by the investigating officer for the purpose of the interrogation.
3. The applicants shall not tamper with the evidence or influence complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)