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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.94 of 2016

Pandit Shripad Bhoir and Anr. Vs. The State of Maharashtra.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Rajiv Patil, Sr. Advocate a/with Tanmay Vispute for the applicant.
Smt. S.S.Kaushik, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 20th January, 2016

P.C.

- 1) The applicants are apprehending arrest in CR No. I-4 of 2016 registered with Kasarvadvali Police Station, Thane for the offences punishable under sections 307, 325, 323, 504, 341, 143, 147 and 149 of IPC and section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 dated 4.1.2016.
- 2) Mr Patil submitted that as far as the applicant no.1 is concerned, he has instructions, not to pursue the present application for him. However, he seeks liberty to surrender before the Investigating Officer on or before 25.1.2016 at 11:00 a.m. Leave and liberty granted. The application as against applicant no.1 stands dismissed as withdrawn.

3) As far as the applicant No.2 Mrs Sandhya Pandit Bhoir is concerned, the FIR lodged by Atik Rauf Sayyad dated 4.1.2016, apart from making a general statement about her involvement that the applicant came near the victim and after the present applicant no.1 instigated the other accused persons, she along with others alleged to have been assaulted the victim with fists. A bare perusal of the FIR discloses that, apart from the said bald general statement no other role is attributed to the applicant no.2. It prima facie appears that the applicant No.2 did not participate in the actual assault but has been implicated only on the basis of said general statement. In view of the same, I am of the opinion that the custodial interrogation of the applicant no.2 is not necessary.

4) Hence, the following order :

ORDER:-

- (a) The application for pre-arrest bail of applicant no.1 stands dismissed as withdrawn, as aforesaid;
- (b) In the event of arrest of the applicant no.2, Mrs Sandhya Pandit Bhoir, she shall be released on bail in CR No.4/2016, registered with Kasarvadvali Police Station on her furnishing P.R. bond of Rs.15,000/- with one or two solvent sureties in the like amount;
- (c) The applicant shall attend the Investigating Officer as and when called between 10:00 a.m. to 1:00 p.m. for the purpose of investigation. It is needless

to mention that before calling the applicant no.2 to the police station, the concerned police officer shall issue a notice under section 160 of Cr.PC;

(d) The applicant shall not tamper and/or influence to the witnesses;

5) The application is disposed of in the aforesaid terms.

(A.S. GADKARI, J.)