

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.386 OF 2016

Ramnath Suka Korale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.H.E.Palwe, Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 09.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.200 of 2015 registered with the Dindori Police Station, District – Nashik, for the alleged offences punishable under Sections 143, 147, 149, 302, 307, 323 & 504 of the Indian Penal Code and under Section 3(i)(x) of the Scheduled Caste and

Scheduled Tribe (Prevention of Atrocities) Act.

3. The incident in question has taken place on 27.11.2015. In the first incident which took place at around 11.30 a.m., there are no allegations as against the Applicant. The dispute essentially arose with respect to the easementary rights of two parties. Although the Applicant was present, no overt act has been attributed to him. The 2nd incident took place at around 2.30 p.m.. It is alleged that after the Complainant informed his brother Waman about the morning incident, Waman Balkrishna and Sampat came there and they all proceeded on their motor cycles, to lodge a complaint against the accused persons. It is alleged by the Complainant that at about 2.30 p.m. near Umrade Khurd Phata, when they were proceeding towards Dindori Police Station, accused Uttam came in his pick-up jeep from behind and gave a dash to his motor cycle from behind, as a result of which

he fell down. Thereafter, accused-Uttam is stated to have also given a dash to the other motor cycle on which Waman and two others were riding. As a result of the said dash, two pillion riders fell down and hurt themselves and succumbed to the injuries on the spot.

4. Learned counsel for the Applicant states that admittedly, the Applicant was not driving the vehicle and that it was Uttam, who was driving the said vehicle and as such, no offence is disclosed as against the Applicant. He submitted that the Applicant was not concerned with the disputes between the two factions.

5. Learned APP relied on two statements; Waman Bejekar and Vishnu Kashid. The said statements only reveal that the Applicant was present in the jeep which was driven by Uttam.

6. Perused the papers. It appears that the Applicant did not have any concern with the dispute between the two parties and that the Applicant was only present in the jeep, which was being driven by Uttam. It was Uttam who were driving the jeep and who gave a dash to the two motor cycles, as a result of which two persons succumbed to the injuries. There are no allegations that the Applicant instigated or aided the commission of offence. It may be noted, that there are no allegations qua the Applicant under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

7. Considering the nature of allegations & in the peculiar facts & circumstances, the applicant deserves to be enlarged on bail on the following terms and conditions.

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the Dindori Police Station, District – Nashik as & when called for by the investigating officer till filing of the charge-sheet;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)