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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.424 OF 2016**

Vishal Ramdas Dhumal
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Rupesh Zade, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 8th MARCH, 2016***

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 159 of 2015 registered with the Bhigwan Police Station, for the alleged offences punishable under Sections 326 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant states that the applicant has not been named in the FIR. He submitted that the co-accused who has been named in the FIR has been granted pre-arrest bail by this Court vide order

dated 30th November, 2015. He further states that infact the present applicant was an eye-witness in a murder case which was lodged as against the complainant and others and it is on account of the said fact that the present applicant has been falsely implicated in the case.

4. Perused the FIR and the order dated 30th November, 2015 by which co-accused - Gorakh @ Amol Baban Bandgar, who has been named in the FIR has been granted pre-arrest bail by this Court. According to the complainant – Sanjay Tanpure, there was a quarrel between him and one Baban Ghaitonde and Gorakh Bandgar, who were doing the business of sand extraction business. According to the complainant, Gorakh Bandgar inflicted a blow of iron rod on his head and the two persons who were present along with Gorakh Bandgar assaulted the complainant with a wooden stick. It appears that the complainant sustained one CLW over the head and a deep and superficial abrasion. This Court while granting pre-arrest bail to co-accused - Gorakh Bandgar had observed that the fact, that an FIR was lodged as against the complainant – Sanjay and others for assaulting and causing death of one Vinod Bandgar was not disclosed in the aforesaid FIR. It is also observed that the fact that C.R.No.156 of 2015

was lodged as against the complainant herein and others for the alleged offences punishable under Section 302, 307, 143, 147, 148, 149 of the Indian Penal Code on 26th September, 2015, was not disclosed in the present FIR, lodged on 29th September, 2015.

5. Considering the fact that the co-accused - Gorakh Bandgar who was named in the FIR and who is alleged to have assaulted the complainant with an iron rod on his head had been granted pre-arrest bail, the present applicant also deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station on every Friday and Saturday between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet.

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

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.