

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 724 OF 2016

Ankush Nivruti Mhaske

... Applicant

Vs.

The State of Maharashtra

(At the instance of Central Police Station)

... Respondent

.....

Mr. R. S. Apte i/b. Mr. Saurabh Oka for the Applicant.

Ms. R. M. Gadhvi, APP for the Respondent-State.

.....

CORAM : N. W. SAMBRE, J.

DATE : 17th November 2016

P.C.

1. The applicant is seeking pre-arrest bail in C.R. No.I-156/2016 for the offences punishable under Sections 307, 504, 506 read with 34 of the Indian Penal Code, under Section 4(25) of the Indian Arms Act and under Sections 37(1), 135 of the Mumbai Police Act.

2. It is the case of the applicant that he is a corporator and the complainant is his political rival who has unsuccessfully contested the election against him. According to the applicant, he is falsely implicated in the crime as is apparent from the fact that the injury as is claimed to have been suffered by the complainant mismatches with the injury certificate. According to him, the role attributed to him in the crime in question does not depict any serious attributions. He would then urge that there is a counter First

Information Report lodged against the complainant resulting in the registration of C.R. No. I-157 of 2016.

3. Learned APP opposed the Application on the ground that the applicant is a politically influential person and there is every likelihood that the applicant would tamper with the evidence.

4. Having regard to the facts of the case and the submissions made, it is required to note that admittedly, there is a counter First Information Report against the complainant in the present crime at the behest of the applicant. The present applicant also claims to have suffered injuries as is apparent from the injury certificate. The injury as is suffered by the complainant mismatches with the one mentioned in the injury certificate of the complainant and in view of the counter First Information Report, false implications cannot be ruled out. In view thereof, in my opinion, the Application needs to be allowed. In the event of arrest of the applicant in C.R. No. I-156/2016 registered with Madhyawarti (Central) Police Station, Ulhasnagar, District Thane, he be released on P.R. Bond of Rs.50,000/- with two sureties in the like amount and shall attend the Police Station on Monday and Thursday between 10 a.m. to 12 noon, initially for a period of two weeks, and thereafter as and when called. The applicant shall not tamper with the evidence and/or influence the prosecution witnesses. The application is allowed in the above terms.

(N. W. SAMBRE, J.)