

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

ANTICIPATORY BAIL APPLICATION NO. 808 OF 2016

Mr. Suresh N. Chari

... Applicant

vs.

The State of Maharashtra

... Respondent

Mr. Santosh Kyadiguppi, for the applicant.

Mr. A. S. Patil, A.P.P. for the State/respondent

Coram : N. W. SAMBRE, J.

Date : 18th November, 2016

P.C. :

1. The applicant is seeking pre-arrest bail in Crime No.198 of 2016 for the offence punishable under Sections 436 and 427 of the Indian Penal Code.

2. Mr. Kyadiguppi, the learned counsel for the applicant while trying to make out a case for grant of bail would urge that the case of the applicant is covered under Section 436 of I.P.C. and not under Section 436 of I.P.C. as the damage caused is about Rs.10/- because of the fire caused. Section 436 of I.P.C. is attracted in case of immovable property only.

3. Perusal of F.I.R. reflects that the applicant has tried to

set ablaze the office of the Society where the record was kept. Prima facie it could be inferred that the applicant has tried to damage the entire office premises and as such in my opinion, at this stage, there is hardly any material to infer that the case of the applicant is satisfying the requirement of Section 325 of I.P.C..

4. Apart from above, there is sufficient material including that of CCTV footage, which pinpoints prima facie involvement of the applicant in the crime in question. No case is made out. Hence, the application is rejected.

[N. W. SAMBRE, J.]