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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1339 OF 2016

Satish Eknath Thombare	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Vinay J. Bhanushali, for the Applicant.
Mrs. M. M. Deshmukh, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.188 of 2016, for the offence punishable under Sections 307, 452, 427, 143, 147, 149 and 366 of the Indian penal, registered with Panvel Town Police Station, District: Raigad., at the instance of Mithun Janardan patil, by this application is seek pre-arrest bail.

2. Heard the learned counsel for the applicant/accused. He argued that the informant is married person and during subsistence of his first marriage, he married another woman who is sister of the present applicant. She is just 19 years old. This is the cause of dispute between the present applicant as well as the informant.

3. The learned counsel further argued that as the informant is on inimical terms with the present applicant, he crooked up story and falsely implicated the applicant in the crime in question. The learned counsel further argued that offence punishable under Section 307 is not at all made out. The informant in order to see that the applicant, who has passed examination of M.P.S.C. should not get appointment on the selected post.

4. The learned APP opposed the application by submitting that the offence is serious and there are witnesses to the incident in question. The learned APP further argued that chilly powder was used for immobilizing the informant and other persons while committing crime in question. The learned APP further argued that the mother of the informant was also injured.

5. Perused the papers of investigation. The F.I.R. itself reveals that informant Mithun married a woman namely Komal in the year 2011 and was having children out of wedlock with Komal. Still in the year 2016, he married Sushma, who is a girl of 19 years. Sushma, is the sister of the present applicant.

6. According to informant on 16.5.2016, at about 9.40 a.m. when he was in the court yard of his house at village Kolhi Kopar, present applicant as well as other accused persons came there, entered inside his

house, assaulted him and abducted his wife Sushma.

7. The F.I.R. does not show that apart from the informant and his wife, nobody else was present at the scene of occurrence. The weapons allegedly used were iron rod and wooden stick. Perusal of injury certificate of informant Mithun shows that he has only suffered contused lacerated wound on his head. No fracture injury was suffered by him. Ultimately with passage of time, now Sushma is reported to have joined company of the present informant.

8. Considering the nature of crime and the circumstances in which it was committed, so also offence punishable under Section 326 is also not made out from the injury certificate of the informant. I am of the considered view, that the custodial interrogation of the present applicant is not warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) In the event of arrest of the applicant, in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.5,000/- and on his furnishing sureties in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the concerned police station

on 16.08.2016 and 28.08.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.

V) The applicant shall not tamper with the prosecution evidence in any manner.

VI) The applicant shall not contact his sister Sushma Mithun Patil and informant Mithun Patil and he should not enter village Kolhi Kopar, Tal.Panvel, District: Raigad.

[A. M. BADAR, J.]