

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

ANTICIPATORY BAIL APPLICATION NO. 1341 OF 2016

Mr. Tushar Anil Deshmukh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

WITH

CRI. BAIL APPLICATION NO. 1587 OF 2016

Pratik Pradeep Jadhav ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Vikas B. Shivarkar, Advocate for the Applicant in ABA-1341 of 2016.

Mr. Vishal L. Kolekar, Advocate for the Applicant in BA-1587 of 2016.

Mr. Arfan Sait, APP for the State in ABA-1341 of 2016.

Mr. Deepak Thakre, APP for the State in BA-1587 of 2016.

PSI-Mr. B. B. Gaikwad, (Lonawala City Police Station, Pune) is present.

CORAM : A. M. BADAR, J.

DATE : 08th AUGUST, 2016

P.C. :

1 Applicants/accused in Crime No. 12 of 2016 registered with Lonawala City Police Station (Pune Rural) for the offence punishable under section 307 r/w. 34 of the Indian Penal Code, by the above applications, are praying for anticipatory bail and regular bail respectively.

2 Heard the respective learned counsel appearing for both applicants. Learned counsel appearing for applicant-Tushar Deshmukh argued that applicant - Tushar is a Technician and presently working as Operation Theater Assistant in Mimer Medical College & Hospital at Talegaon Dabhade, Pune and that he was absconding due to the incident in question. Learned counsel further argued that according to the prosecution case, applicant-Tushar was just sitting in the car and he was not driving the car in question. He, therefore, submits that section 307 of the Indian Penal Code is not attracted against the present applicant and prays for granting anticipatory bail to applicant-Tushar.

3 Learned counsel appearing for applicant-Pratik Jadhav is praying for grant of regular bail to the said applicant as he is in custody since February 2016. Learned counsel submits that now the investigation is over and pre-trial detention of the present applicant is not warranted.

4 Learned APP opposed the applications by contending that the offence is serious and in the process of fleeing away from the police, applicant-Pratik Jadhav attempted to commit murder of police personnel in the police jeep which was chasing the car driven by applicant-Pratik.

5 Perused the chargesheet. The FIR came to be lodged by PSI-Nilesh Kacharu Apasunde on 07.02.2016. According to the prosecution case on 06.02.2016, there was “naka bandi operation” undertaken by the police at Mahavir Chowk Jakatnaka, Pune-Mumbai Highway, Lonawala. The car driven by applicant-Pratik Jadhav came at a very high speed and despite signal by the police, the driver of the said car did not stop the car. The police team was required to chase that car. In the process of chasing, the car driven by applicant-Pratik came from opposite direction and gave head on dash to the police jeep, causing the damage to the police jeep. According to the prosecution case, it was intentionally done by the driver to kill the police personnel in the jeep. Ultimately, after the car was chased by the police personnel, it stopped and except the driver all the occupants of the car fled away. Applicant -Pratik Jadhav who was on the steering wheel of the car came to be apprehend. Be that as it may, now the investigation is over. Therefore, pre-trial detention of applicant- Pratik Jadhav is not warranted. At the time of the trial, it will have to be decided whether the head on dash to the police vehicle was given with requisite intention.

6 So far as applicant-Tushar Deshmukh is concerned, he was not on steering wheel of the car. Therefore, his custodial interrogation is not at all warranted. Therefore, the order :

ORDER

- i. Both the applications are allowed.
- ii. Applicant - Pratik Jadhav in B.A. No. 1587/2016, accused in Crime No. 12 of 2016 registered with Lonawala City Police Station (Pune Rural) for the offence punishable under section 307 r/w. 34 of the Indian Penal Code, be released on bail on executing PR Bond in the sum of Rs. 5000/- and on furnishing solvent surety in the like amount.
- iii. In the event of his arrest, Applicant-Tushar Deshmukh in A.B.A. No. 1341/ 2016, accused in Crime No. 12 of 2016 registered with Lonawala City Police Station (Pune Rural) for the offence punishable under section 307 r/w. 34 of the Indian Penal Code, be released on bail on executing PR Bond in the sum of Rs. 5000/- and on furnishing solvent surety in the like amount.
- iv. As a condition of this order, Applicant-Tushar Deshmukh to attend the concerned police station on 21st August, 2016 and 28th August, 2016 in between 11 a.m. to 2 p.m. and he shall co-operate the Investigating Officer in further investigation, if any.

- v. Applicant-Tushar Deshmukh should furnish his residential address as also cell/phone number to the Investigation Officer and he shall continue to inform changes thereof, if any, from time to time till disposal of the trial and that he shall co-operate the trial court in expeditious disposal of the trial, in the event of filing chargesheet.
- vi. Applicant-Pratik Jadhav shall co-operate the trial court in expeditious disposal of the trial pending against him.
- vii. In addition, Applicants/accused are directed that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicants shall not tamper with the prosecution evidence in any manner.
- viii. Both the applications are disposed of accordingly.

Parties concerned to act on an authenticated copy of this order duly issued by the Registry.

(A. M. BADAR, J.)