

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1568 OF 2016**

Abdul Naim Mehndihasan Chaudhari Applicant

Vs.

The State of Maharashtra Respondent

Mr. A.P. Mundargi, Senior Advocate i/by Mr. S.R. Phanse,
Advocate for the applicant.

Ms. R.M. Gadhvi, APP for the State.
Mr. Jaysing Shivram Nale, PSI, Boisar Police Station

Coram : N.W. SAMBRE, J.

Date : 19th December, 2016

P.C.

1 The applicant is seeking pre-arrest bail in C.R. No. I-80 of 2016, registered with Boisar Police Station for the offences punishable under Sections 307, 341, 326, 212, 143, 147, 148, 149, 504 and 506 Indian Penal Code read with 37(1)(3) of Bombay Police Act.

2 The allegation against the present applicant in the complaint is that the complainant Sanjay was assaulted by the accused persons at the behest of the present applicant. As the complainant was instrumental in removing encroachment on land, which was owned by the tribals, which has caused loss to the applicant and other co-accused.

3 The prosecution has invoked Section 212 of Indian Penal Code against the present applicant as it is claimed that the applicant had harboured the other accused. The maximum punishment provided in that is of three years.

4 Apart from the statement of co-accused, I hardly see any material on record to infer prima facie involvement of the applicant in the crime in question.

5 In view thereof, in my opinion, the application needs to be allowed.

6 In the event of arrest, the applicant be released on P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount.

7 The applicants to attend Boisar Police Station on 27th December, 2016 to 29th December, 2016 between 10.00 am. and 12.00 noon and thereafter as and when called.

8 The applicant not to tamper with the evidence and/or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J.)