

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

ANTICIPATORY BAIL APPLICATION NO.2049 OF 2016

Sanjay Ramniklal Veera ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr.Milan Deasi i/by Mr.Vijendra Mishra for the Applicant.

Mr.N.B. Patil, APP for Respondent-State.

Mr.Rizwan Merchant a/w Mr.Rumiz Shaikh for the Intervenor.

Mr.Deshmukh, P.I. Kalachowkie Police Station.

CORAM : N. W. SAMBRE, J.

DATE : 28th NOVEMBER, 2016.

P.C.

1. The applicant is seeking pre arrest bail in Crime No.127 of 2016 registered with Kalachowkie Police Station for the offences punishable under Sections 307, 341, 427, 120(B) read with 34 of the Indian Penal Code.

2. The prosecution story as appears from the record is the complainant and the applicant were having differences over an issue of re-development and the parting with the open space/registration

of society etc. It is claimed that since the complaint time and again resisted various illegal steps in the developmental activity taken out by the present applicant, the applicant being got infuriated because of the same, entered into a conspiracy to murdered the complainant resulting into the registration of crime.

3. The bail is mainly sought on the ground that apart from delay in lodging FIR of one day which is not explained, it is also claimed that there exist Civil dispute between the parties as could be apparent from proceedings as are pending. It is further claimed that against the arrested accused chargesheet is already filed and the applicant is very much available for the investigation and prosecution.

4. Per contra the learned APP opposed the application on the ground that co-accused under Section 27 of the Evidence Act disclosed about the agreement of contract for killing the applicant and co-accused. The learned APP submits that if released the applicant will hamper the further investigation as some of the accused are yet to be arrested and same will result into in complete narration of the chain of the events. The learned counsel for the complainant has assisted the APP and submits that there is sufficient

material to connect the applicants involvement in the crime in question.

5. It is required to be noted that the applicant was protected by the Court below and it is pursuant thereto, he has appeared before the Investigating Officer. The perusal of the material available on the record depict differences between the applicant and the complainant over the issue of the re-development of the property and the steps/complaints referred by the complainant against the applicant which has also resulted into demolition of certain structures which are illegally constructed. Admittedly, the proceedings are pending before this Court on the said issue and in the said background the prosecution has come out with the case of the conspiracy so as to give effect to the crime in question. But for the oral statement and disclosure by one of the accused under Section 21 of the Evidence Act, I hardly see any prime-facie material so as to connect the applicant to the crime in question.

6. The learned counsel for the applicant while trying to derive support from the judgment of the Apex Court in *Bhadresh Bipinbhai Sheth Vs. State of Gujarat reported in AIR 2015*

Supreme Court 3090 has rightly relied upon the observations in paragraph 23 which deals with a crime as regards requirement of the custodial interrogation.

7. In this background in my view a case of the grant of pre arrest bail is made out. In the event of the arrest applicant be released on bail P.R. Bond of Rs.15,000/- with one or two sureties in the like amount.

8. The applicant shall attend the Investigating Officer on 05th, 08th and 13th December 2016 between 10.00 am to 12.00 noon thereafter as and when called for.

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

10. The applicant also not entered the place of redevelopment till the conclusion of the trial where the complainant is residing.

(N. W. SAMBRE, J.)