

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2095 OF 2016

Ravi Hanumanta Dandile. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rajesh V. Katore, advocate for Applicant.

Mr. Rajan Salvi, APP for State.

Mr. B.S. Dhavale, API, Mundhwa Police Station, Pune.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : DECEMBER 6, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 240 of 2016 registered at Mundhwa Police Station for offence punishable under section 307, 323 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the present applicant happens to be associated with National Congress Party and he has been nominated as the President of NCP, Pune City. According to the prosecution, the complainant is residing in Ghorpadi gaon. It appears that on 9/10/2015 the applicant herein had filed an application to the Commissioner of Police alleging that the complainant Vijay Ingale has threatened of filing false cases. There was an altercation between the complainant and the present applicant, as according to the applicant, the complainant was demanding ransom from the applicant and other residents of said locality. It is the case of the prosecution that one Ruben was to get married to a girl called Divya. There was some altercation between families of Ruben and Divya over the issue of date and time of marriage. It appears that the applicant had intervened to pacify both the families. However, it was not liked by the complainant and only to take personal vendetta, he has lodged a report that the applicant has threatened him by brandishing sword.

4 The learned APP fairly submits upon instructions that witnesses in the said locality had not supported the case of the prosecution. Moreover, C.C.T.V. Footage does not show the applicant armed with sword or causing terror in the area. It is not the case of the prosecution that any person has got injured and the allegation is that the complainant was assaulted with fists and kick blows.

5 Taking into consideration the nature of allegations and the papers of investigation including CCTV footage, this Court is of the opinion that the applicant deserves pre-arrest bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the above observations at the time of deciding the application for quashing of FIR or discharge application or at the time of trial.

7 Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 240 of 2016, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall not reside within the jurisdiction of Mundhwa Police Station till filing of charge-sheet.
- (iv) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)