

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1899 OF 2015**

Dr. Sunil Balkrishna Parhad	...Applicant
Versus	
The Senior Inspector of Police & Anr.	...Respondents

Mr. Rizwan Merchant with Mr. Swapnil Wagh I/b Rizwan Mercant & Associates for the Applicant

Mrs. A. A. Mane, A.P.P for the Respondents-State

PSI Mr. A. D. Shinde from Vangaon Police Station, Palghar is present

CORAM : REVATI MOHITE DERE, J.
(IN CHAMBERS)
TUESDAY, 5th JANUARY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. This is the second anticipatory bail application preferred by the applicant. The first anticipatory bail application No. 1593 of 2014 preferred by the applicant was rejected by me on merits vide order dated 12th March, 2015.

3. Learned Counsel for the applicant contended that the present application has been preferred as there is a change in the circumstances, inasmuch as, after the applicant's first application for anticipatory bail was rejected vide order dated 12th March, 2015, co-accused Kashinath Bhai Patil was granted anticipatory bail by this Court (Coram : Smt. Sadhana S. Jadhav, J.) vide order dated 17th July, 2015. He submits that the role assigned to the present applicant is similar and identical to co-accused Kashinath Bhai Patil, who has been granted anticipatory bail.

4. Learned A.P.P opposed the anticipatory bail application. She contended that the applicant's first application was rejected on merits and as such no interference is warranted. She has filed an affidavit of one Sachin Suresh Pandkar, Sub-Divisional Police Officer, Dahanu Division, District Palghar.

5. Perused the papers and the order dated 17th July, 2015. No doubt, the applicant has been named by three eye-witnesses, however, it appears, that no specific role along with the weapon has been attributed to

the applicant whereas, a specific role has been attributed to some co-accused who mounted the assault on the deceased. As is evident from the statements of eye-witnesses, the incident is divided in two parts; in the first part, which allegedly took place at 10:45 a.m., the applicant along with several other accused including Kashinath Bhai Patil are stated to have warned and threatened persons by asking them not to enter the disputed land. It is stated that all the said persons, after threatening, left the said place and went and hid behind some trees. The second incident is alleged to have taken place at around 12:00 noon, in which, named persons mounted an assault on the deceased with weapons. In the second incident, no role has been attributed to the present applicant. According to the eye-witnesses, the deceased was assaulted by Manoj Patil, Parshu Tandel and Jagdish Tandel. No specific role has been attributed to the present applicant with regard to the assault nor is he stated to have yielded any weapon. This Court vide order dated 17th July, 2015 (Coram : Smt. Sadhana S. Jadhav, J.) was pleased to grant anticipatory bail to co-accused Kashinath Bhai Patil, who was also not assigned any role or any weapon by the eye-witnesses, in the second incident of actual assault.

6. Learned Counsel for the applicant contended that the applicant at the relevant time was on duty and that he has been falsely implicated in the said case. It appears from the document furnished by Reliance Infrastructure Limited, which is annexed to the affidavit filed by the prosecution, that the applicant had attended his office i.e. Reliance Infrastructure Limited on the day of the incident at about 8:01 a.m and had left the said office at about 10:30 a.m to attend to the patients in a Company ambulance and had returned at 4:58 p.m. A list is annexed to the said document to show the patients attended to, by the applicant on the said day. According to the prosecution, the applicant had left office at 10:30 a.m and hence the plea of *alibi* raised by the applicant cannot be considered. It appears that the Investigating Officer has not done any investigation to find out whether the applicant had indeed attended to any of the patients, so stated in the list. Neither has the Investigating Officer recorded the statements of the persons accompanying the applicant in the ambulance. Although, learned Counsel for the applicant has raised a plea of *alibi*, the same need not be gone into at this stage, as the same will be decided at the time of the trial. Suffice to state, that pursuant to the first application for pre-arrest bail having been rejected by me, co-accused Kashinath Bhai Patil

was enlarged on bail and that the role attributed to the applicant is similar to that of the co-accused Kashinath Bhai Patil, and hence the applicant will be entitled to pre-arrest bail on the following terms and conditions:

ORDER

(i) The applicant, in the event of his arrest, be enlarged on bail on furnishing PR Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to Vangaon Police Station on 11th, 12th and 13th January, 2016 from 10:00 a.m. to 12:00 noon and thereafter on every Saturday from 10:00 a.m. to 11:00 a.m. till the filing of the supplementary charge-sheet;

(iii) The applicant shall not threaten, intimidate or contact the witnesses or any person concerned with the case;

(iv) The applicant to cooperate with the investigating agency.

7. Application is disposed of accordingly.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.