

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3383 OF 2017

Walmik Martand Harlal, ... **Applicant**
Age 37 years, Occu: Business,
R/o 42, Maniknagar, Dhule
Taluka and District Dhule

VERSUS

The State of Maharashtra ... Respondent
Through Chalisgaon Road Police
Station, Dhule, Taluka and
District Dhule.

Mr. Amol S. Sawant, Advocate for the applicant
Mr. A. S. Shinde, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 25th July, 2017

ORDER:

1. Heard Mr. Sawant, learned counsel for the applicant and Mr. Shinde, learned APP for the State.

2. Present Criminal Application is filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.28/2017, registered with Chalisgaon Road Police Station, Dhule for the offences punishable under sections 392, 323, 504, 506 read with section 34 of the Indian Penal Code.

3. The informant Kunal Karankal, Manager of Hotel Nalanda, lodged complaint to the police station on

04.05.2017 alleging that on 30.04.2017, when the informant was on duty, at that time, hotel owner informed the informant to prepare one Chikan Handi for Nana Salve and his friends. The informant got the same prepared and waited for Nana Salve but Nana Salve did not return to Hotel till 12.30 a.m. Thereafter the informant closed down the hotel and went to his house. Then at about 1.30 a.m. it was informed by the Hotel owner that Nana Salve and his friends had been to his house, abused him and they also assaulted the watchman of Hotel Sudhakar Choudhari. The informant went to the Hotel. At the relevant time, Nana Salve, applicant and other accused persons assaulted the informant and the present applicant also snatched an amount of Rs.2000/- from his pocket. On the basis of information given by the informant, offence as referred above came to be registered accused present applicant and other three accused persons.

4. Mr. Sawant, the learned counsel appearing for the applicant points out that the another accused Nana Salve, Arun Bhoir and Vijay Aher against whom are the similar allegations are already released on bail under the provisions of section 438 of the Cr.P.c. and therefore the present applicant is entitled for pre

arrest bail on the ground of parity. Mr. Savant points out the delay in filing of the FIR. It is stated that the incident took place on 30.04.2017 and it was reported to the police on 04.05.2017. Mr. Sawant further submits that the applicant is economically sound and paying income tax to the tune of Rs.3 to 4 lakhs every year and therefore, it is highly improbable to believe that the applicant has snatched Rs.2000/- from the Manager of the Hotel. From the income tax return verification form placed on record at page Nos. 33A and 33B, it reveals that the applicant is a tax payer. In such circumstance, the argument advanced by Mr. Sawant is acceptable. The other accused were already release do bail.

5. Considering the above aspects, the applicant is also entitled for bail by putting certain conditions. Hence following order:

O R D E R

- i. In the event of arrest of the applicants in connection with Crime No.28/2017, registered with Chalisgaon Road Police Station, Dhule he shall be released on bail on his executing P.R. Bond of Rs. 10,000/- [Rs. Ten thousand only],

with one solvent surety in the like amount.

ii. The applicant shall attend Chalisgaon Road Police Station, Dhule on every Sunday between 10.00 a.m. to 12.00 noon till filing of the charge sheet.

iii. Criminal application disposed of.

(K. L. WADANE, J.)

JPC