

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO. 362 OF 2017

Subhash Lalchand Yadav & Anr. Vs. The State of Maharashtra

**Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.**

Court's or Judge's orders

Mr. Ajay Dubey i/b Feroz A. Shaikh for Applicants.
Mr. M.G. Patil, APP for State.

CORAM : A.S. GADKARI, J.

DATE : 11th April 2017.

P.C.:

- 1] The applicants are apprehending arrest in CR No.146 of 2017 registered with Ambarnath Police Station, District-Thane under Sections 307, 452, 143, 147, 148, 149, 427, 506 of the Indian Penal Code.
- 2] The first information report is lodged by Shri Surendra Ramsabad Yadav. It is stated in the said report that, due to earlier enmity between the parties, accused No.1- Surendra Yadav and co-accused along with five other persons barged into the house of the first informant, dragged him out of the house and assaulted him with iron rod and other weapons. After lodgment of the first information report, the police arrested other accused person and after completion of investigation, the police have submitted chargesheet on 7.8.2016.
- 3] It is to be noted here that, the names of the applicants are not mentioned in the first information report and it is mentioned that apart from the name of accused person five to ten unknown accused persons were accompanying them. In the

supplementary statement of the injured Surendra Ramsabad Yadav recorded on 1.5.2016, the names of the applicants have been mentioned as the persons who were accompanying the accused Surendra Nagu Yadav. Apart from the fact that the applicants accompanying Surendra Nagu Yadav, no other overt-act is attributed to the applicant. The accused Surendra Nagu Yadav and other accused are arrested by Police and the recovery of the weapons have been effected at their instance. It is to be noted here that, there is no witness who has stated that the applicants were having any weapons in their hands. As stated earlier, except the presence of the applicants at the spot on 30.4.2016, there is no other evidence on record to show that they participated actively in the offence.

4] In view thereof, the applicants have made out a case for grant of pre-arrest bail

Hence, the following order:

- (i) In the event of arrest in CR No. 146 of 2016 registered with Ambernath Police Station, the applicants shall be released on bail on their furnishing PR bond of Rs.15,000/- each with one or two separate local sureties in the like amount.
- (ii) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)