

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 742 OF 2017**

Rohan Ashok Adsule	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Anand S. Shalgaonkar for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 9th JUNE, 2017

P.C.

1. Heard learned Counsel for the applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 219 of 2016 registered with the Bhosari Police Station, Pune, for the alleged offences punishable under Sections 307, 323, 326, 452, 143, 147, 148, 149, 504 of the Indian Penal Code and under Section 37(1)(3) r/w 135 of the Bombay Police Act and under Section 4(25) of the Arms Act.

3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case despite the fact that he was not present at the spot at the time of the incident. He submitted that the applicant was in the employment of the London Dairy Ice-Cream, an ice-cream shop in INOX Theater, Pune. He submitted that the CCTV footage will show that the applicant was at work at the relevant time.

4. Learned A.P.P was directed on the last occasion i.e. 27th April, 2017, when the interim protection was granted, to examine whether the applicant was at work at INOX Theater, Pune and to examine the CCTV footage. Learned A.P.P, on instructions of the Investigating Officer, who is present in Court, states that he has examined the CCTV footage and it is found that applicant had entered the INOX Theater at about 5:00 p.m. and had left the Theater at about 1:00 a.m. on the next day. Learned A.P.P, however, has relied on the statement of one witness-Jagdish Patil, who was also an employee working in the London Dairy Ice-cream and a colleague of the applicant. He submitted that according to the statement of Jagdish, the applicant had reported to work at 5:30 p.m., but he was not able to say

where he was after 10:00 p.m. The incident is alleged to have taken place at 10:00 p.m. The distance between INOX Theater, which is in Camp area and Dapoli (where the incident took place), is about 10 to 11 kms.

5. A perusal of the FIR lodged by complainant Suresh shows that on 7th July, 2016, at about 10:00 p.m., the applicant along with others are alleged to have assaulted him with deadly weapons. The applicant has no antecedents. It is also informed that charge-sheet has been filed in the present case. The plea of alibi is a matter of defence and the same will be considered at the trial. In the peculiar facts of this case, the application is allowed and the applicant is granted pre-arrest protection on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall not tamper with the evidence or attempt to contact or influence the complainant, witnesses or any person concerned with the case.

(iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate in the conduct of the trial.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.