

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1162 OF 2017

Shekhar Ashok Ovhal

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Ganesh Bhujbal, Advocate, for the Applicant
Mrs.R.Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.138 of 2017 registered with the Wakad Police Station, Pune, for the alleged offences punishable under Sections 364, 435, 143, 146, 147, 149, of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the aforesaid case because of an earlier complaint lodged by the applicant as against Aniket Desai/Lohar. He submits that in December, 2016 the applicant's vehicle was set on fire

by Aniket, pursuant to which, the applicant had lodged a complaint which was registered vide C.R.No.736 of 2016 with the Wakad Police Station, Pune. He submits that as a counter blast to the said complaint, the aforesaid complaint has been lodged. He submits that all the accused were arrested and subsequently enlarged on bail.

4. Learned APP opposed the application. She submits that the injury certificate of Aniket shows that he has suffered 3 abrasions i.e. on his cheek, knee and hip and a superficial laceration on scalp.

5. The complainant is Omkar Bhangare, a friend of Aniket Desai/Lohar. He has alleged that on 6th March, 2017 at about 4.00 p.m., when they were sitting near the London Bridge, Pune, the applicant came in his car alongwith the other co-accused. It is alleged that the said persons threatened Aniket and that pursuant thereto, Aniket started running from the said spot. He has stated that the present applicant and one Munna Ovhal and Ritesh Ovhal chased him and held him and thereafter, compelled him to sit in their vehicle. He has stated that the other accused thereafter set Aniket's motorcycle ablaze. A perusal of Aniket's statement shows that he was allegedly kidnapped by the applicant and the others and that all the accused persons assaulted him

with fist and kick blows and that he was even assaulted by a cement pipe on his head. He has stated that after making him sit in the vehicle, they threatened to kill him. He has alleged that even in the car he was assaulted with fist and kick blows and was threatened with dire consequences. He has stated that after administering alcohol to him, he was dropped at the hospital. He has alleged that the applicant had disclosed to him that he should not tell the aforesaid fact to anybody. Aniket, suffered 3 abrasions and a superficial laceration on scalp, despite the fact, that he was brutally assaulted by the accused. It appears that a similar case under Section 435 of the Indian Penal Code was registered by the applicant as against Aniket in December, 2016. The applicant has no antecedents.

6. In the peculiar facts of this case, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.50,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Monday of every month** between **10.00 a.m. and 11.00 a.m.** for a period of one year till the filing of the charge-sheet or for a period of three months whichever is earlier;;

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

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)