

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

ANTICIPATORY BAIL APPLICATION NO. 1248 OF 2017

Ashok Pandarinath Mahadik

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

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Mr.K.S. Labana, Advocate for the Applicant.

Mr.R.M. Pethe, APP for the Respondent - State.

ASI G.R. Bagal, Shivaji Nagar Police Station, Ambernath, District
- Thane.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 20, 2017.

P.C. :

This is an application for anticipatory bail in connection with C.R. No.I-145 of 2017, registered with Shivaji Nagar Police Station, Ambernath, District-Thane for the offences punishable under Sections 143, 147, 149, 332 and 353 of IPC.

2 The prosecution case is that on 27th May, 2017 at about 2:30 p.m, some persons were seen consuming liquor and they were arguing with the Station Master. There were about 10 to 12 unknown persons who were under the influence of liquor quarrying with the Station Master. The informant who is attached to CRPF had intervened. However, he was assaulted by stick

which the informant was carrying in his hand. The informant was also assaulted by fist and kick blows. FIR was registered against the unknown persons. During the course of investigation, the identity of some of the person was revealed in the C.C.T.V. camera which was installed at the place of incident. Three accused were arrested on the basis of the C.C.T.V. Camera recordings. The said accused were produced before the concerned Court for remand on 28th May, 2017. In the remand application, the applicant is shown as wanted accused.

3 The applicant preferred an application for anticipatory bail before the Session Court which has been rejected. The learned advocate for the applicant submitted that there is no evidence to connect the applicant with the said crime. The name of the applicant is shown as wanted accused in the remand application and hence had approached the Sessions Court. There is no reference as to how the involvement of the applicant is established in the said crime. The co-accused were arrested on the basis of the C.C.T.V. footage. It is submitted that the prosecution has not come out with the case that the applicant is also seen in the C.C.T.V. footage. It is, therefore, submitted that the applicant has been falsely implicated in the present crime.

4 Learned APP submitted that the accused were under the influence of liquor. They have assaulted the public servant while discharging the duty. The injured had sustained injuries on his person. It is, therefore, submitted that the application may be rejected. Learned APP also submitted that there are several criminal antecedents against the applicant.

5 I have perused the FIR and the other documents which are annexed to this application. It is pertinent to note that except stating that the applicant is wanted accused in the remand application dated 28th May, 2017, there is nothing on record to show as to how the applicant is involved in the crime. In the remand application of the co-accused or the say filed by the investigating officer opposing the application of the applicant there is reference that the applicant's involvement is established either through C.C.T.V. footage or by way of any other evidence. In the aforesaid circumstances, the application deserves to be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) In the event of arrest of the applicant in connection with C.R. No.I-145 of 2017, registered with Shivaji Nagar Police Station, Ambernath, District-Thane, the applicant is directed to be released on bail on furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;
- (ii) The applicant is directed to report Shivaji Nagar Police Station, Ambernath, District-Thane, once in a week on every Saturday between 11:00 a.m. to 1:00 p.m., till the filing of charge-sheet and thereafter once in a month on first Saturday between 11:00 am. to 1:00 p.m.;
- (iii) The applicant shall not tamper with the prosecution witnesses;

- (iv) The anticipatory bail application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)