

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

ANTICIPATORY BAIL APPLICATION NO.1585 OF 2017

Shivshankaar Basgonda Vagholi & 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. Pramod Kathane with Ramkrishna Yadav for Applicants.
Mr. S.R. Agarkar, APP for State.
Mr. U.A. Shinde, API, Umadi Police Station present.

CORAM : A.S. GADKARI, J.

DATE : 11th September 2017.

- 1) The applicants are apprehending arrest in CR No.35 of 2017 registered with Umadi Police Station, Taluka- Jath, District-Sangli, dated 8.7.2017 under Section 395, 397, 365, 342 and 341 of the Indian Penal Code.
- 2) It is the prosecution case that, the principal accused Birappa Tambe, with a view to extort money, used to threatened the first informant two months prior to the date of incident i.e. 7.7.2017. That on 7.7.2017 at about 11.00 a.m., it is alleged that the applicants along with Birappa Tambe, Mirasahb Mujawar and other accused persons accosted the first informant and threatened him and demanded ransom and thereafter assaulted him with shock absorber of vehicle and stone. It is specifically

alleged that Mirasahb Mujawar assaulted the first informant with the said shock absorber and stone. That Birappa Tambe snatched a chain made up of gold metal and also robbed out Rs.13,000/- from the pocket of first informant. It is alleged that the applicants along with other accused persons assaulted the first informant with fist and kick blows. In the premise the first information is lodged.

3) The record clearly indicates that during the course of investigation the principal accused Birappa Tambe and Mirasahb Mujawar are arrested by the police and recovery of weapons have been effected at their instance. However, it is surprising to note here that, the Investigating Officer though arrested the said accused persons, he could not effect recovery of a gold chain and cash of Rs.13,000/- robbed from the person of the first informant at the instance of said co-accused and now custody of the applicants is being sought for recovery of the same.

4) A bare perusal of the first information report would reveal that the role attributed to the present applicants in the crime is general in nature and no specific overt-act is attributed to them. The medical certificate issued in favour of the first informant does not support the role which has been attributed to the applicants.

5) In view thereof, the applicants have made out a case of their release on pre-arrest bail.

Hence, the following Order:

(i) In the event of arrest in CR No.35 of 2017 registered with Umadi

Police Station, Taluka- Jath, District-Sangli , applicants shall be released on bail on their furnishing PR bond in the sum of Rs.15,000/- each with one or two separate local sureties in the like amount.

(ii) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

6) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)