

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1841 OF 2016

Pramod Bapurao Devkute	...	Applicant
Vs.		
The State of Maharashtra & Anr.	...	Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 1858 OF 2016

Shankar Lakshu Waghire	...	Applicant
Vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Sandip D. Shinde, Advocate for the applicant in both the Applications.
Mr. Vinod Chate, APP for the State.
Mr. J.K. Giri, P.S.I., Trimbakeshwar Police Station, District Nashik present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **24th January, 2017.**

P.C.:

These Applications are moved for anticipatory bail, as the applicants/accused are prosecuted for the offences punishable under sections 395, 397, 109 of Indian Penal code. The offence is registered at the instance of one Vishal Gangaputra on 26th September, 2016 in C.R. No. 139 of 2016 with Trimbakeshwar Police Station.

2. It is the case of the complainant that the incident of robbery and assault has taken place on 26th September, 2016 between 5 to 5.15 a.m. at Trimbakeshwar. The complainant claims to be an activist. It is the case of the complainant that he has collected some evidence of misappropriation and fraud against the applicant/accused Pramod

Devkute, resident of Trimbakeshwar and the complainant wanted to go for hunger strike for seeking justice. So, the complainant left his house in the morning in Innova car along with the brief case where he has kept pendrive, CD and files consisting of evidence against the applicant/accused Pramod Devkute. However, he found that suddenly one person was snatching his brief case so when he caught him, other 3 to 4 persons with covered face arrived there with sticks and they assaulted the complainant. One of them stabbed the complainant with pointed article in his back and thereafter they all ran away along with the brief case. He shouted for help so the people in the vicinity came there and took him to hospital and on the same day at evening, he gave information to the police. Pursuant to the information, the offence was registered.

3. The learned counsel for the applicants/accused has submitted that the applicants are innocent and they have not committed any offence. The learned counsel submitted that applicant Pramod is earning his livelihood by working as a priest in Trimbakeshwar temple. He submitted that there is no evidence against both the applicants/accused. He further submitted that till today, no offence is registered against the applicant Pramod and complainant did not approach any authority for any forgery or fraud as alleged committed by the applicant/accused Pramod. The learned counsel further submitted that the complainant has falsely implicated the

applicant/accused Pramod Devkute. Other applicant/accused Shankar Waghire on suspicion was roped in this offence.

4. Learned APP while opposing this Anticipatory Bail Applications has submitted that the applicant/accused Pramod was threatened by the complainant that he would expose him and therefore applicant/accused Pramod along with other applicant/accused Shankar Waghire has assaulted the complainant and took away the documents.

5. Perused the FIR, statements of witnesses produced by the prosecutor. On the basis of the complaint it is found that the complainant had collected some evidence against the applicant/accused Pramod Devkute and he wants to expose this applicant. However, the submissions of learned counsel for the applicants/accused that till then the complainant has not approached any authority and has not lodged any complaint in respect of any fraud or forgery or cheating committed by the applicant/accused Pramod Devkute, are considered at this stage. Perused the injury certificate, which shows that there was incised wound on his back but it is a simple injury. So also, 2 CLWs was caused to the complainant. Thus, it shows that on 26th September, 2016 the complainant was assaulted by 3 to 4 unknown persons. Both the applicants/accused do not have any criminal record. Under such circumstances, I confirm the

interim bail granted to the applicant/accused by this Court dated 28th October, 2016 with the same bail bond on the following conditions:

- (i) The applicants/accused shall not indulge into any criminal activity.
- (ii) The applicants shall not pressurize or threaten the complainant in any manner
- (iii) The applicants shall cooperate the police and shall attend the concerned police station on every Saturday between 6 p.m. to 8 p.m. till the filing of the charge sheet.
- (iv) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of anticipatory bail.

6. The Applications for Anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)