

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1913 OF 2017

Santosh Anand Mane @ Chhotu Mane ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.S.K.Ali I/b A.A.Siddique for the applicant.
Ms.P.P. Shinde, APP for the State.
PI Renuka Bawa, P.S.Pant Nagar

CORAM: A.M. BADAR, J.
DATED: 6th NOVEMBER, 2017

PC:-

1. The applicant/accused in Crime No.214 of 2017 registered with police Station Pant Nagar for the offences punishable under Sections 324, 307, 504, 141, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 4 and 25 of Indian Arms Act as well as under Section 37 of the Maharashtra Police Act, by this application is seeking his pre-arrest bail.

2. Heard the learned advocate appearing for the applicant/accused. He argued that the applicant was not present on the scene of occurrence and at the relevant time he was attending marriage of one Satish Sharad Shardul which was held at village Palsobadhe, district Akola. He is falsely implicated in the crime in question.

3. The learned APP opposed the application.

4. I have carefully considered the rival submission and also perused the papers of investigation. Averments in the FIR are to the effect that the applicant alongwith co-accused had attempted to kill members of the prosecuting party by committing trespass in plot No.139 of Ghatkopar, Mumbai.

5. In pursuant to the contention of the applicant, it appears that the investigators has recorded statement of Satish Shardul, whose marriage took place at village Palsobadhe in Akola district on 23.4.2017. From statement of

Satish Shardul, it is seen that at the relevant time the applicant was present at village Palsobadhe, district Akola. Even the FIR is to the effect that the assailants were wearing monkey caps and the first informant inferred that one of the assailant is the present applicant and this inference is because of similarity in voice.

6. Considering the nature of evidence against the present applicant, his liberty needs to be protected. Therefore, the following order:

ORDER

- i) The application is allowed.
- ii) In the event of his arrest in Crime No. 214 of 2017 registered with police Station Pant Nagar for the offences punishable under Sections 324, 307, 504, 141, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 4 and 25 of Indian Arms Act as well as under Section 37 of the Maharashtra Police Act, the applicant/accused be released on

bail on executing P.R bond of Rs.15,000/- and on furnishing surety in the like amount.

iii) As a condition of this order, the applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

iv) The applicant to co-operate the investigators and he should attend the investigating officer as and when directed by the Investigating officer.

v) The application is disposed of accordingly.

(A.M. BADAR, J)