

Sarnobat

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 374 OF 2018

Ramesh Shankar Das.	.. Applicant.
Vs.	
The State of Maharashtra.	.. Respondent.

Mr. Kuldeep Nikam, Advocate for the Applicant.
Mr. N. B. Patil, APP for the Respondent/State.

CORAM : P. N. DESHMUKH, J.

DATE : 27TH FEBRUARY, 2018.

P. C. :

1. This an application for grant of anticipatory bail in Crime No. 45/2018 registered under Section 326, 323, 504 r.w. 34 of Indian Penal Code.
2. Learned counsel for applicant had submitted that there is no evidence establishing involvement of applicant in the present crime and by referring the contents of report attempted to demonstrate how the applicant verbally abused the complainant. One Bhushan Poddar and Prakash Burli since arrived on spot after the incident of alleged assault cannot be said to be termed as eye witnesses. It is contended that even otherwise, there is delay in lodging report on 8th February, 2018 in respect of incident which has occurred on 1st February, 2018.

On this counts it is therefore, prayed that applicant be protected by imposing suitable conditions.

3. Learned Additional Public Prosecutor has opposed the application on the count that investigation is in progress and has referred to statements of eye witnesses on record establishing the involvement of applicant as an assailant of complainant Abhijit Chirmure.

4. Perusal of FIR which appears to have been lodged belatedly as aforesaid, complainant is found to have given explanation of delay caused for lodging the same on belated date. In the statements of eye witnesses as pointed out by the learned Additional Public Prosecutor though, both the witnesses claimed to have witnessed the incident of assault, their presence at the time of incident creates reasonable doubt as according to the case of complainant, both of them arrived after he fell down. Having considering the available evidence as aforesaid and as from order of the Trial Court, it is found that applicant was protected from his arrest by order dated 12th February, 2018 which protection was in force till 21st February, 2018 when his application came to be rejected. It is necessary to protect the applicant further, as statement is made on behalf of the applicant that he will approach the learned Trial Court and on surrendering seek a regular bail. Hence, order below ;

ORDER

i) In the event of arrest of applicant in Crime No. 45/2018 registered with Kavathe Mahankal Police Station, he shall be released on bail by executing PR bond in a sum of Rs.25,000/- with one surety in the like amount.

ii) On release on bail, if called applicant shall attend the Investigating Officer and co-operate with the investigation.

lii) This interim protection shall be in force from today for the period of three weeks i.e. till 20th March, 2018 so as to enable the applicant to take necessary steps for filing application for regular bail before the competent Court.

iv) Application is allowed in above terms.

[P. N. DESHMUKH , J.]