

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 428 OF 2018

Mahavir Girjappa Virkar.

.. Applicant.

Vs.

The State of Maharashtra.

.. Respondent.

Mr. Rahul Sopanrao Kate, for the Applicant.

Mr. Vinod Chate, APP for the Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 17th APRIL, 2018.

P. C. :

1. Heard learned counsel for applicant and learned APP. Perused the charge-sheet. This application is for bail before arrest by one of the accused in crime No. 01/2018 registered at Mhaswad police station under section 353, 395, 307 of Indian Penal Code.
2. Learned counsel for applicant submits that in the entire investigation no role of applicant is found in the present crime and has contended that applicant's involvement does not reveal from the report except for his driving Car given by co-accused as a owner of sand depo. Applicant was protected by interim orders. It is contended that now investigation is complete and charge-sheet is filed and as per directions applicant has attended investigating officer till today as many

as 28 days during which he is thoroughly interrogated. Thus, submitted that application be allowed.

3. Learned APP did not dispute above submissions particularly involvement of the applicant only on the basis of statement of co-accused, the owner of sand depo. According to complainant who is driver of office of Tahsildar Maan when he was chasing the vehicle (Dumper) for intercepting the same as found involved in illegal transport of sand, one Car arrived where from five unknown persons came and committed assaulted on him by sticks and iron rods. Learned APP on this aspect submits that during the course of investigation no evidence could be collected against the applicant to establish that applicant was as one of such assailants and has further stated that complainant has sustained simple injuries.

4. In view of above facts and since even there appears no prima facie evidence to connect the applicant in the present crime, following order is passed;

ORDER

- (i) Interim order dated 7th March, 2018 stands confirmed on same terms and conditions.
- (ii) Application is allowed.

[P. N. DESHMUKH , J.]