

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

ANTICIPATORY BAIL APPLICATION NO. 261 OF 2018

Kiran Sadashiv Bhoir

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Umer Kazi for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

Vaishali Bhosale, API attached to Vishnu Nagar Police Station.

CORAM : A.S.GADKARI, J.

DATE : 12th FEBRUARY, 2018

P.C.:

. The Applicant is apprehending arrest in C.R. No. I-240 of 2017 dated 07.12.2017 registered with Vishnu Nagar Police Station, Dombivali, Dist. Thane under Sections 307, 326, 452, 323, 143, 144, 145, 149, 504 of the Indian Penal Code and under Section 37(1) 135 of Maharashtra Police Act.

2 Heard the Learned Counsel for the Applicant, the learned APP and perused the record of investigation.

The FIR is lodged by Nana G. Patil alleging that, due to the enmity between him and his family members on one side and Mr. Dyaneshwar Bhoir and his family members on the other side, on 07.12.2017 at about 1.00 p.m., the Applicant along with other accused persons assaulted first informant with chopper, iron rod and wooden stumps. That, when the nephew of first informant

Kalpesh Patil tried to rescue the said fight, it is alleged that the accused persons named in the FIR assaulted him with the aforesaid weapons. Mr. Kalpesh Patil got unconscious on the spot and was subsequently admitted to the hospital. In the premise, the FIR is lodged.

3 The learned Counsel for the Applicant submitted that it is the specific case of the Applicant that on the date and time of the incident, the Applicant was not present at the scene of offence and was present at his native place i.e. at Netivali which is about 6 to 7 kms away.

The learned APP after perusing the record of investigation fairly pointed out the fact that during the course of investigation, it is revealed that the Applicant was not present at the scene of offence and was at Netivali on the date and time of incident.

4 In view of the above, prima facie it appears that as far as the present Applicant is concerned the version narrated by the first informant in the FIR and the other witnesses supporting him is little exaggerated.

5 In view thereof, the Applicant is entitled to be protected by pre-arrest bail.

Hence, the following order.

i) In the event of arrest of the Applicant in C.R. No. I-240 of 2017 dated 07.12.2017 registered with Vishnu Nagar Police Station, Dombivali, Dist. Thane, the Applicant shall be released on bail on his furnishing PR Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m. to 1.00 p.m. and to join the process of investigation till filing of final report against him.

iii) Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)