

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

ANTICIPATORY BAIL APPLICATION NO.619 OF 2018

Sanjay Tanaji Aher ... Applicant

V/s.

The State of Maharashtra ... Respondents

Mr.Chaitanya Pendse i/by Mr. Manoj S.Mohite for the Applicant.

Mr.S.S.Pednekar,APP for the Respondent/State.

Ms.S.G.Sabale, Police Sub-Inspector, Nem Deola Police Station,
Nashik (Rural) present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 18, 2018.

P.C.:

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.I-17 of 2018 registered with Deola Police Station, Nashik for the offences punishable under Sections 395, 365, 452, 324, 323, 504, 506 of IPC.

2. Heard Mr.Chaitanya Pendse, learned counsel for the applicant and Mr.S.S.Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid offence was registered pursuant to the first information report dated 27th January, 2018 lodged by one Dinesh Baste. The first information report prima facie reveals that on 25th January, 2018 at about 2.00 a.m. the co-accused has entered his house, had assaulted him and had taken away cash of Rs.42,000/- and some gold ornaments. It is further stated that the said persons had taken him near Girjai Mangal Karyalaya. It is stated that the applicant and other co-accused were present at the spot and that persons present at the spot had assaulted him with fist and kick blows and that Manoj Aher had assaulted with the handle of a spade.

4. The FIR does not prima facie indicate that the applicant herein was involved in assaulting the first informant. The record reveals that the applicant was granted interim bail and one of the conditions of the interim bail was to report to the Investigating Officer. Learned APP submits that the applicant has complied with the said condition. Furthermore, the investigation is completed and charge-sheet is already filed. It is thus evident that presence of the applicant is not required for the purpose of interrogation. The

applicant is a permanent resident of Deola, Nashik and there are no chances of applicant absconding and thwarting the course of justice. Under the circumstances, the application is allowed on the following grounds:-

ORDER

- (a) In the event of arrest of the applicant in C.R.No.I-17 of 2018, he shall be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount.
- (c) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigating Officer.
- (d) The applicant shall not change his residential address without prior intimation to the Investigating Officer.
- (e) The applicant shall not interfere with the witnesses or tamper with evidence in any manner.

(SMT. ANUJA PRABHUDESSAI,J.)

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