

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 706 OF 2018

Sadashiv Ramdas Bhoir

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. M. U. Kazi a/w Mr. W. Shaikh, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. I-240 of 2017 registered with the Vishnunagar Police Station, District – Thane, for the alleged offences punishable under Sections 307, 326, 452, 323, 143, 144, 145, 149, 504 of the Indian Penal Code and under Sections 37(1) r/w 135 of the Maharashtra Police Act.

3. Learned counsel for the Applicant states that the Applicant has been falsely implicated in the said case. He submitted that the

Applicant had gone to the Don Bosco School on 07.12.2017 for an interview and as such, was not present at the spot. Learned counsel for the Applicant submits that even otherwise taking the prosecution case as it is, no role has been assigned to the Applicant. He relied on the order dated 21.03.2018 passed by this Court (Coram : Revati Mohite Dere, J.) in ABA No. 10 of 2018. He submitted that the role of the Applicant is similar to that of the co-accused in the said Application who have been granted pre-arrest bail by this Court.

4. Learned APP states that the police have recorded the statement of Kiran Marathe, a teacher in Don Bosco School. The said witness has stated that on 07.12.2017, interviews were scheduled from 10.00 a. m. to 2.00 p. m. and that the present Applicant had come for the interview of his grand-daughter Swara Bhoir, aged four years, with his son and daughter-in-law.

5. Perused the papers. According to the Complainant – Nana Gangaram Patil, the incident is an outcome of enmity between him and his family members on one hand and one Dnyaneshwar Bhoir and his family members on the other. It is alleged that the incident took place on 07.12.2017 at about 1.00 p. m. and that all the accused assaulted the first

informant with chopper, iron rod and stumps. It is further alleged that when the Complainant's nephew – Kalpesh Patil attempted to rescue the Complainant, the accused persons also assaulted him with weapons. According to the Applicant, he was not present at the spot at the time of the alleged incident and was at the Don Bosco School. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated in the said case. It is also pertinent to note that even if the prosecution case is taken as it is, no specific role has been assigned to the Applicant. Whether or not the Applicant was present at the spot i. e. plea of alibi will be considered by the trial Court at the time of the trial.

6. Considering the aforesaid, the Application is allowed and the Applicant is granted interim protection on the following terms & conditions :-

ORDER

- (i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 20,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on **19th & 20th April, 2018** between **10:00 a. m. and 12:00 noon**;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)