

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1493 OF 2017

Nivrutti @ Niva K. Bhare vs. State of Maharashtra

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| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Vivek Salunke i/by Dinesh Shinde for the Applicant.

Mr.Ameet Palkar, APP. for the State.

**CORAM : A.S.GADKARI, J.**

**DATE : 31<sup>st</sup> January, 2018**

P.C.

1. By an order dated 23.8.2017 the applicant was granted interim relief.
2. The first information report is lodged by Pandurang Thakare. The alleged incident of assault had taken place on 7.5.206 between 8.30p.m. to 9.00p.m. The motive for alleged assault on the first informant is that accused No.1 Bunti @ Prashant Bhoir was having animosity with the applicant on account of conducting a Beer shop by the informant and the accused No.2 Nitesh Bhoir was intending to marry with the niece of the first informant however, the first informant was opposing it. Due to the said motive, it is alleged that

accused Nos. 1 and 2 in connivance with accused Nos. 3 to 7 assaulted the first informant on the said date. The applicant is accused No.7 in the present crime. It is alleged that the applicant is one of the conspirator to the said crime. The record indicates that accused No.2 Nitesh Bhoir against whom the motive revolves has been granted pre-arrest bail by the Sessions Court at Thane. The record further indicates that the alleged incident of assault has taken place on 7.5.2016. After completion of investigation the police have submitted charge sheet and subsequent thereto the accused No.3 Prashant was arrested by the police and it is alleged that during his custodial interrogation the name of the applicant has revealed as one of the conspirator.

3. As noted herein above, the principal conspirator Nitesh has been released on pre-arrest bail by the Trial Court. It is surprising to note that during the custodial interrogation of accused No.1 Bunti @ Prashant Bhoir the alleged conspiracy or involvement of the present applicant did not reveal to the police and it is after such a belated stage it is claimed to have been revealed.

4. In view of the above the applicant is entitled to be protected by pre-arrest bail.

5. The interim relief granted by Order dated 23.8.2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6. Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**