

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1791 OF 2018

Amit Pandurang Desai and Ors. ...Applicants

V/s.

The State of MaharashtraRespondent

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Mr. M.V. Holamagi, Advocate for the applicants.

Ms. P.P. Shinde, APP for the respondent-State.

API, S.M. Varale, Ratnagiri City Police Station present.

Coram : Sandeep K. Shinde, J.

Friday, 21st December, 2018.

P.C. :

1. Heard learned Counsel for the applicant and learned APP for the State.

2. The applicants are apprehending arrest in C.R. No. 239 of 2018 registered at Ratnagiri City Police Station for the offences punishable under Sections 438, 395, 324, 120B, 452, 427 of the Indian Penal Code.

3. On 14th September, 2018 interim protection was granted to the applicants on certain terms and conditions. The applicants were directed to report to the Investigation Officer from 11th September, 2018 and thereafter as and when required and called by the Investigation Officer. The

Investigation Officer is present. The learned APP submits that the applicants have attended the Police Station.

4. Perused the investigation report. The dispute appears to be between two rival political groups. Admittedly, the name of the applicants are not reflecting in the FIR. The learned APP submitted that, details of the tower locations/call detail records show that applicants were near the place of the incident. In my view, it cannot be overlooked that the applicants are also the residents of Hathkamba, District-Ratnagiri. In view of this fact, merely because the applicants were found present near the place of the incident, that itself cannot link them with the alleged incident. The learned APP has brought to my notice a statement of one of the witnesses. This witness was hired as a Driver by applicant no.2 to drive the vehicle which was allegedly used in commission of crime. The statement of this witness, however, does not in any manner shows that, he drove the vehicle to the place of the incident or that the assailants arrived in the said vehicle at the instance of applicant no.2. I have also perused the Medical Certificate of the complainant which shows that they have received two simple injuries.

5. Thus looking into the facts of the case and the investigation record, in my view, the custody of the applicants will not further the case of the prosecution and thus the following order :

O R D E R

- (I) The application is allowed.
- (ii) In the event of the arrest of the applicants, they are directed to be released on P.R. Bond of Rs.50,000/- each with one or two sureties in the like amount.
- (iii) The applicants to attend the Ratnagiri City Police Station every Monday, commencing from the week, 24th December, 2018 for a period of four weeks between 11 to 2.00 p.m and thereafter as and when called by the Investigation Officer. The applicants shall furnish the mobile numbers and such other numbers to the Investigation Officer so as to enable them to contact them.
- (iv) The applicants are directed to co-operate with the investigation and shall not tamper the evidence and/or influence the prosecution witness.

(SANDEEP K. SHINDE, J)