

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

ANTICIPATORY BAIL APPLICATION NO. 2278 OF 2018

Swami Mariyappa Gowda	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. A.K. Shukla for the applicant.
Mr. Y.M. Nakhwa, APP for the Respondent-State.
Mr. S.R. Shinde, API, Samata Nagar Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 1st NOVEMBER, 2018.**

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 585 of 2018 registered with Samta Nagar Police Station for the offence punishable under Sections 326, 384, 506(2), 323, 504 read with 34 of Indian Penal Code
2. The case of the prosecution is that Ramesh Tiwari and Amit Tiwari are brothers and they are residents of the same area and hence complainant knows them. Said accused were interested in conducting the bar owned by the complainant and he had made such request to the complainant which was not accepted by him and hence Ramesh Tiwari used to threaten the complainant. Sunil Shetty and applicant were also conducting the said bar and the

rent towards the said premises was not paid to the complainant. On 5th September, 2018 at about 9.30 complainant was on his way to the shop, at that time he noticed that Ramesh Tiwari and Amit Tiwari were standing on the road. The complainant was called by them and they asked them whether he is willing to allow them to conduct his bar. They also abused and assaulted him. Ramesh Tiwari demanded an amount of Rs.50 Lakh. He also assaulted the complainant by bottle and thereafter all of them left the place.

3. Learned counsel for the applicant submits that role of assault by bottle and demand of the amount of Rs.50,00,000/- is attributed to the co-accused who was arrested and granted regular bail. The other accused Amit Tiwari is also attributed similar role has been granted anticipatory bail.

4. Learned APP submits that the complainant has attributed the specific overtact to the applicant. The investigation is in progress. One of the accused is absconding.

5. On perusal of the FIR, it is apparent that main role is attributed to the co-accused who was arrested and granted bail. Applicant was accompanied with them. Co-accused Amit Tiwari has been granted bail vide ABA No. 2081 of 2018 on 16th October, 2018. The role attributed to him and the case of the applicant

similar to that of the accused who has been granted bail. In the circumstance, this application is required to be allowed. Hence, I pass the following order.

ORDER

- i. In the event of arrest of the applicant in connection with C.R. No.585 of 2018, registered with Samta Nagar Police Station, applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/-with one or more sureties in the like amount;
- ii. Applicant shall report Investigating Officer of Samta Nagar Police Station once in a week on Saturday between 10.00 a.m. to 12.00 noon, till the filing of the chargesheet;
- iii. Application stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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by Sachidanand
Kuttan Nair
Date:
2018.11.03
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