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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2355 OF 2018

Rishikesh @ Rishikumar Satbir Singh Sarkaniya ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Santosh Bhatangunaki for the applicant.

Mr.Arfa Sait, APP for the respondent-State.

Mr.H.D.Sonawane, P.S.I. Kalwa police station present.

CORAM: NITIN W.SAMBRE, J.

DATE : NOVEMBER 19, 2018

P.C.:-

Heard learned counsel for the applicant and learned APP.

2. In Crime No.I-245/2018 for offences punishable under sections 326, 324, 143, 147 to 149 of the Indian Penal Code registered with Kalwa police station, Thane, present applicant along with co-accused came to be charge-sheeted, however, the applicant is shown to be absconding.

3. The F.I.R. came to be registered pursuant to the complaint lodged on June 23, 2018 and investigation was set in motion. Apart from contents in the F.I.R., first supplementary statement of complainant Sanjay More came to recorded on June 28, 2018 in which the applicant was not named as an accused. It is in his second supplementary statement recorded on July 23, 2018 the applicant is specifically named with an active role, which has resulted in charge-sheeting the applicant.

4. No convincing material is coming forth to infer as to in what context the complainant choose to name the present applicant, when the complaint and first supplementary statement is silent on the role of the applicant. It is also after a period of one month from the date of F.I.R., the name of the applicant is mentioned with active role without any explanation.

5. Even if the case of the prosecution that the applicant was absconding is accepted, neither any action under section 82 or 83 of the Criminal Procedure Code, nor any effort to trace the applicant-accused by the investigating agency could be noticed. That being so, in my opinion, the applicant needs to be granted pre-arrest bail. Hence the order :-

- i) The application is allowed.
- ii) In the event of arrest in Crime No.I-245/2018 for offences punishable under sections 326, 324, 143, 147 to 149 of the Indian Penal Code registered with Kalwa police station, Thane, the applicant be released on bail on his executing P.R. bond of Rs.15,000/- with two sureties in the like amount;
- iii) The applicant shall attend the Kalwa police station, Thane between November 26, 2018 to November 30, 2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when directed;
- iv) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- v) In case it is noticed that the applicant is involved in similar type of offence, it shall be open for the prosecution to move for cancellation of bail;
- vi) The application is disposed of accordingly.

(NITIN W.SAMBRE, J.)