

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

ANTICIPATORY BAIL APPLICATION NO. 2533 OF 2018

Jameer Munwarali RangrejApplicant.
Vs.
The State of MaharashtraRespondent.

Mr. B.G. Tangsali I/by Mr. Ajay Tripathi for the Applicant.
Mr. Amit Palkar APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 21st DECEMBER, 2018.**

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 305 of 2018 registered with Sangli City Police Station, District Sangli under Section 302, 120(B), 109, 307 of the Indian Penal Code.

2 Heard Mr. Tangsali, the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 The first information report is lodged by Mr. Biroba Narale, the Police Head Constable, attached to the Sangli City Police Station on 3rd October, 2018.

It is the prosecution case that, at about 11.00 a.m. on the said date, the control room Sangli received a message that a person was lying in front of Sudha Bunglow in injured condition. The police

went to the said spot and noticed that, a person by name Sunny Kamble, a history-sheeter on the record of the police was lying unconscious at the said spot with multiple injuries on his body. Police rushed him to the hospital where he was declared dead. An offence against an unknown persons was registered by the said Police Head Constable.

4 The learned counsel for the Applicant submitted that, the Applicant was not present at the scene of offence. He further submitted that, even otherwise, the alleged weapons used in the crime have already been recovered by the police at the instance of the other accused persons and therefore, the custodial interrogation of the Applicant is not necessary and he may be protected by pre-arrest bail.

5 The record indicates that, the role of the Applicant being the principal conspirator in the present crime is revealed during the course of investigation. A witness has given statement under Section 164 of the Code of Criminal Procedure before the Judicial Magistrate, First Class, No.3 Sangli stating that, 15 days prior to the date of commission of the present offence, he heard the conversation between the Applicant and other accused persons near a betel leaf shop. He has stated that, he had been to the said shop for chewing betel leaf

and at that time, the Applicant was informing his colleagues that, their friend Ravi Mane has been killed by Sunny Kamble (Deceased) and therefore, they should also kill Sunny Kamble in the same manner. The role of the Applicant as a principal conspirator and instigator in the present crime is further revealed during the custodial interrogation of the other accused persons. The investigation of the present crime is at a crucial stage.

6 The learned APP submitted that, there are four antecedents at the discredit of the Applicant. Mr. Tangsali, the learned counsel for the Applicant submitted that, the Applicant has been acquitted in two cases. It is to be noted here that, the antecedents at the discredit of the Applicant shows his inclination towards the criminality.

7 After taking into consideration the record of investigation, serious allegations against the Applicant and the gravity of the offence, this Court is of the view that, the Applicant does not deserve to be protected by pre-arrest bail.

8 Application is accordingly rejected.

(A.S. GADKARI, J.)