

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.600 OF 2019

Tipanna @ Tama Dattu Bharale] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Vikrant Phatate, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.40/2019 registered with Vijapur Naka Police Station, Solapur u/sec. 353, 327, 332, 143, 147, 149, 356, 357, 358, 379, 427 of I.P.C.

2. The case of the prosecution is that the FIR was lodged by Police Constable Yogesh Yevale, Special Squad, Solapur on 19/01/2019. He received secret information that two vehicles were carrying sand which was unauthorisedly excavated. When the police reached near the two vehicles, one of the drivers ran away from the spot. The other was apprehended. His name was Siddharam Sangolagi. He informed

that the present applicant and one Rahul Shinde were owners of the tempo driven by him and the owner of the other tempo was one Kamble. Then the police were taking these vehicles for further procedure. On the way, around 8 to 10 persons came before the vehicles and obstructed the police officers. Some of them even pelted stones. In the meantime, Siddharam Sangolagi took away one of the vehicles without permission of the police officer. Based on these allegations, the FIR was lodged.

3. The applicant's anticipatory bail application was rejected by the Additional Sessions Judge, Solapur vide order dtd. 13/02/2019.

4. Heard Mr. Vikrant Phatate, Ld. Counsel for the Applicant and Ms. S.S. Kaushik, Ld. APP for the State/Respondent.

5. Ld. Counsel for the applicant has produced the copy of order dtd. 15/05/2019 in Criminal Bail Application No.521 of 2019. The said copy is taken on record and marked as "X" for identification.

6. The said order is in respect of the co-accused Rahul Shinde.

Perusal of that order shows that the said Rahul Shinde was granted anticipatory bail. The other accused were arrested against whom the charge-sheet is already filed. The co-accused Rahul Shinde was granted anticipatory bail mainly on the ground that his custodial interrogation was not necessary.

7. Considering the statement in the FIR, the role attributed to the said Rahul Shinde and the present applicant, was that, both of them were co-owners of the same vehicle. Therefore, the role cannot be differentiated. Thus, on the ground of parity, the present applicant also deserves to be granted similar relief. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.40/2019 registered with Vijapur Naka Police Station, Solapur, the Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)