

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

ANTICIPATORY BAIL APPLICATION NO.1809 OF 2018

Shubham Haridas Power	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr. Shekhar A. Ingawale for the applicant.
Mr. A. R. Kapadnis, APP for respondent-State.

CORAM : P.N. DESHMUKH, J.
DATE : 27th March 2019

P.C.:

. This application is for bail before arrest filed by one of the accused involved in C.R. No.219 of 2015 registered with Peth Vadgaon Police Station, Kolhapur for offences punishable under Sections 307, 325, 143, 147, 148, 149, 504 of IPC contending that there is no specific overt act attributed to applicant as in report except for making an allegation of assault of applicant by kick blows and fist blows, nothing is stated. It is contended that since investigation is complete and since applicant was initially protected and had attended Investigating Officer, said order be confirmed.

2. Perusal of report lodged by Shivraj would reveal that incident occurred on 3rd October 2015. Name of applicant is shown in

it, however no role is attributed to him. Statement of eye-witnesses namely Ajay Sawarnt, Pradeep Manwade, Dipak Patil and Kishor Patil. do not implicate applicant by any overt act as involve original accused no.1 and 2 namely Shushant Dabhade and Prashant Dabhade. Similarly statement of injured Pravin makes general allegation of assault by applicant along with other co-accused by iron rod, kick blows and fist blows. In view of nature of evidence against applicant, application is liable to be allowed as per order below :-

ORDER

- (i) Interim order passed on 6th September 2018 stands confirmed;
- (ii) Applicant is further directed to attend Investigating Officer as and when called till filing of charge-sheet, if any, proposed against him.
- (iii) Application is disposed of in above terms.

P.N. DESHMUKH, J.