

Mandekar and Mahadev Mandekar over partition of their property bearing area of 8.5 Acres. Complaints were filed interse on account dispute. It is alleged that on 2nd November, 2019 the accused had assaulted the husband of the complainant and as a result of injuries he died. The applicants were assigned role of giving abuses & assault by fist and kick blows. The applicant had contended that he has been falsely implicated in this case. Both the applicants were not present at the scene of offence. At the relevant time they were at Vasai. It is contented that applicant No.1 was present in ATM of Vasai Vikas Co-op. Bank which is fortified by C.C.T.V. footage. It is submitted that the applicant No.2 was also at Vasai Railway station on 2nd November, 2019 at about 11:30 a.m. The applicants were present at the aforesaid place at 11:30 a.m. and 11:56 p.m. respectively.

3. The applicants had attended the Investigating Officer and handed over the C.C.T.V. footage with regards to their presence of aforesaid places. Learned APP on instructions from the officer who is present in the Court submits that the aforesaid contention has been verified by the concerned officer by personally visiting the said place and verifying the contents of the C.C.T.V. footage which indicates that applicant No.1 was at Vasai Vikas Co-op. Bank Panvel Pada ATM on 2nd November, 2019 at 11:30 a.m. and the applicant No.2 was at Vasai Railway Station on 2nd November, 2019 at 11:56 p.m. The

alleged incident had occurred within jurisdiction of Ajara Police Station at Kolhapur on 2nd November, 2019 at about 11.30. Considering the aforesaid circumstances, case for grant of bail is made out.

4. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 2621 of 2019 is allowed;
- ii) In the event of arrest of applicants in C.R. No. 144 of 2019 registered with Ajara Police Station, Kolhapur the applicant be released on bail on their furnishing P. R. Bond in the sum of sum of Rs. 25,000/- each with one or more sureties in the like amount;
- iii) The applicants shall report concerned police as and when called for.
- iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)