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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.201 OF 2019

Sambhaji Kaka Yamgar ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Nagesh Y.Chavan for the applicant.

Ms. S.S.Kaushik, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 23, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.378/2018 for offence punishable under sections 353, 427 read with 34 of the Indian Penal Code registered with Atpadi police station, Taluka Atpadi, District Sangli, the applicant is seeking pre-arrest bail.

3. Upon perusal of the F.I.R., the allegation against the present applicant is of assaulting a public servant by sugarcane.

4. The accomplice of the present applicant, Santosh who

was also attributed the same role, is ordered to be released by the Sessions Judge in the event of his arrest.

5. If the prosecution case is appreciated, it is the case of the complainant that the tractor on which the applicant was travelling met with an accident with the bus owned by the State Transport department, which was driven by the complainant and as such, the differences arose.

6. Neither independent offence of accident is registered nor the provisions thereof are invoked in the crime in question, which fact reflects serious doubt as regards the happening of the incident in question.

7. As such, the application needs to be allowed. Hence the order :-

- i) In the event of arrest in Crime No.378/2018 for offence punishable under sections 353, 427 read with 34 of the Indian Penal Code registered with Atpadi police station, Taluka Atpadi, District Sangli, the applicant be released on bail on his executing P.R. bond of Rs.15,000/- with one or two sureties in the like amount;
- ii) The applicant shall attend the Investigating officer on 29th,

31st January, 2019 and 4th February, 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed;

- iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iv) The applicant shall co-operate with the investigating agency;
- v) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)