

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 294 OF 2019**

Yunus Rahim Pathan

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Sanjiv P. Kadam i/b Mr. Prashant S. Hagare for the applicant
Smt. Rutuja Ambekar APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : FEBRUARY 11, 2019.****P.C.**

After arrest on 21/11/2018, applicant came to be charge-sheeted in Crime no. 49/2018 registered with Indapur Police Station, for offence punishable under sections 353, 395, 307, 379, 504, 506 of the Indian Penal Code.

2 The submissions are there was no intention could be gathered from the record as regards the intention of the applicant as regards section 307 of the Indian Penal Code. A submission is made that

after the charge-sheet is filed, all the co-accused are released on bail but for the applicant.

3 The learned APP opposed the claim on the ground that statement of Talathi specifically implicates the applicant with an active role. While enjoying protection in a pre-arrest bail matter, applicant has indulged himself into another crime being Crime No. 160/2018 punishable under sections 384, 341, 324, 323, 504, 506, 147, 148 of the Indian Penal Code registered with Walchand Nagar Police Station.

4 Having considered submissions what could be noticed is applicant has surrendered to the Investigating Officer and was subjected to custodial interrogation. The vehicle and the sand stock drawn illegally is already seized and on instructions Mr. Kadam, the learned counsel for the applicant submits that applicant shall honour the order of payment of royalty and penalty thereon pursuant to the proceedings to be taken out against the applicant to that effect. He also submits that he shall not indulge into similar

type of offence drawing sand illegally. Both these statements are accepted as an undertaking.

5 If found involved in similar type of offence, reserving the liberty of the prosecution to move for cancellation, in my opinion case for grant of bail is made out.

(A) Applicant be released on bail in Crime no. 49/2018 registered with Indapur Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(B) Applicant shall not influence witnesses or tamper with evidence.

6 Application stands disposed of.

[NITIN W. SAMBRE, J.]