

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

ANTICIPATORY BAIL APPLICATION NO. 346 OF 2019

Arun Babhutrao Sonwane @ Patil & Ors. ... Applicants

Versus

The State of Maharashtra ... Respondent

Mr. Aniket Nikam I/by Vivek Arote for Applicants.

Mr. M. G. Patil, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 21, 2019.

P.C. :

. Since the Applicant No.1 – Arun Babhutrao Sonwane @ Patil is already arrested, the prayer for pre-arrest bail made by the Applicant No.1 is not pressed. As such, the said prayer has become infructuous. Hence the same stands disposed of, as infructuous.

2. So far as the Applicant No. 2 – Manoj Shriam Patil and Applicant No. 3 – Sanjay Ramdas Patil are concerned, they are seeking pre-arrest bail in Crime No. 17 of 2019 for an offence punishable under Sections 304, 323, 341, 504 read with Section 34 of Indian Penal Code.

3. The learned APP assisted by the learned Counsel for Complainant – Intervener has opposed the prayer for pre-arrest bail on the ground that the custodial interrogation is necessary so as to know whereabouts of the other absconding Accused. The role attributed to the Applicant Nos.2 and 3 is of interrupting/stopping the Complainant and others from taking the victim to the hospital. No overt-act or active role could be inferred.

4. That being so, a case for pre-arrest bail in favour of the Applicant Nos.2 and 3 is made out. Hence, the following order.

ORDER

- (A) In the event of arrest in Crime No. 17 of 2019 for an offence punishable under Sections 304, 323, 341, 504 read with Section 34 of the Indian Penal Code, the Applicant Nos. 2 and 3 be released on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (B) The Applicant Nos. 2 and 3 shall attend the Investigating Officer on every Saturday and Sunday of each calendar month between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

- (C) The Applicant Nos. 2 and 3 shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
- (D) In case if the Applicant Nos. 2 and 3 are found involved in similar type of offence hereinafter, prosecution will be at liberty to move for cancellation of bail.

5. Anticipatory Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)