

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

ANTICIPATORY BAIL APPLICATION NO.684 OF 2019

Jayesh Janardhan Gowari	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Meghashyam Kocharekar for the applicant.

Mr.S.H.Yadav, APP for respondent-State.

Mr.Rohit P. Bandgar, Komoth Police Station, Navi Mumbai present.

CORAM : P.N. DESHMUKH, J.

DATE : 19th March 2019

P.C.:

. Issue notice. Learned APP waives service for the respondent-State. Investigating Officer is present.

2. This application is filed by one of accused involved in C.R. No.9 of 2019 registered by Kamothe Police Station, Navi Mumbai for offences punishable under Sections 353, 143, 144, 152 of IPC and 3, 25, 7, 27(2) of Arms Act and 37(1), 135 of Bombay Police Act and 65(E) of Bombay Prohibition Act.

3. Learned counsel for applicant submitted that except for presence of applicant on spot along with 9 other co-accused persons and 2 unknown persons, specific role is not attributed to applicant establishing his involvement in the present case. It is thus submitted that

application be allowed by imposing stringent conditions as no custodial interrogation of applicant is necessary. It is also contended that one of co-accused Hiranman who is similarly situated is granted anticipatory bail by this Court by an order dated 8th February 2019. In the circumstances, application is prayed to be allowed.

4. Learned APP, on instructions, makes a statement that on the spot, there were about 4 to 5 vehicles containing arms and liquor therein. However, on instructions from Investigating Officer, submits that applicant is not owner of such vehicles.

5. Perusal of report would reveal that allegations against applicant are that at the time of incident, which took place in the house of co-accused Hiranman, who is already granted anticipatory bail, applicant along with co-accused had indulged in quarrel with one Sonawane and pushed him saying if police has power to investigate concealment of liquor in house. Contents of report are thus vague as in it, no specific role is found to be attributed to applicant. This Court while granting anticipatory bail to co-accused Hiranman observed that there is nothing to reject the application of co-accused. In the circumstances, application is allowed.

ORDER

- (i) In the event of arrest of applicant in C.R. No.9 of 2019 registered by Kamothe Police Station, Navi Mumbai for offences punishable under Sections 353, 143, 144, 152 of IPC and 3, 25, 7, 27(2) of Arms Act and 37(1), 135 of Bombay Police Act and 65(E) of Bombay Prohibition Act, he shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount;
- (ii) While on bail, applicant shall mark his presence with investigating officer from 25th March 2019 to 1st April 2019 and thereafter as and when called till the adjourned date and shall co-operate with investigation and shall not tamper with witnesses;
- (iii) Application stands disposed of in above terms.

P.N. DESHMUKH, J.