

**01IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 769 OF 2019

Sunil Bharat Gowari	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Meghashyam K. Kocharekar for the Applicant.
 Mr. S.H. Yadav, A.P.P. for the Respondent – State.
 Mr. A.D. Madke, A.P.I. Kamothe Police Station, Navi Mumbai, present.

CORAM : P.N. DESHMUKH, J.

DATED : 29th MARCH, 2019.

P.C. :

1 Issue notice. Learned A.P.P. waives service of notice on behalf of the Respondent-State. Investigating Officer present. Perused case diary.

2 This application is for anticipatory bail in Crime No.9 of 2019 registered with Kamothe Police Station, Navi Mumbai, for the offences punishable under Sections 353, 143, 144, 152 of I.P.C. and 3, 25, 7, 27(2) of Arms Act and 37(1), 135 of Bombay Police Act and 65(E) of Bombay Prohibition Act. Learned Counsel for the applicant had pressed for anticipatory bail on the ground of parity with other co-accused Hiranman Chimne and Jayesh Gowari who were granted protection from their arrest.

3 Perusal of orders passed in respect of said co-accused would reveal that except for their presence on the spot and involvement of co-accused as there is no other evidence, they were granted interim protection. Role of present applicant prima facie appears to be similar to the co-accused persons when it is stated in the report that at the time of incident, present applicant along with co-accused 5 to 7 and others as named in the F.I.R. were present and all of them raised quarrel and thereafter, pushed Senior P.I. Devidas Sonawane questioning him if police have right to search for liquor.

3 Learned A.P.P. opposed for grant of interim protection on the ground of criminal antecedents of applicant and as his vehicle was found on the spot having therein country made revolver. Admittedly said vehicle along with revolver therein is seized. Similarly situated co-accused are granted protection. As considering the available evidence against the applicants/accused earlier Anticipatory Bail Applications are finally disposed by imposing suitable condition pending investigation, there is no impediment in deciding present Application finally by directing applicant to attend Investigating Officer and to co-operate with investigation as per order below as no custodial interrogation of applicant is found necessary :

ORDER

(i) In the event of arrest of applicant in C.R. No. Crime No.9 of 2019 registered with Kamothe Police Station, Navi Mumbai, for the offences punishable under Sections 353, 143, 144, 152 of I.P.C. 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/- (Rupees Twenty Five Thousand only) with one surety in the like amount;

(ii) Applicant shall attend Investigating Officer from 01.04.2019 to 10.04.2019 between 10.00 a.m. to 12.00 noon and thereafter as and when called by Investigating Officer till filing of charge-sheet.

(iii) Application stands disposed of.

(P.N. DESHMUKH, J.)