

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

ANTICIPATORY BAIL APPLICATION NO. 775 OF 2019

Kaluram Shahaji Sabale and ors

....Applicants

vs.

The State of Maharashtra

....Respondent.

Mr.Ganersh Bhujbal for Applicant.

Mr. S.H.Yadav, APP. for the State.

Mr.J.D.Karbhal (P.N.) Alandi Deevaji Police Station present.

CORAM : P. N. DESHMUKH, J.

DATE : 05th April, 2019

PC :

1. Issue notice. Learned APP waives service for respondent-State. Some police constable is present as deputed by Investigating Officer along with copy of charge-sheet.
2. Learned counsel for applicants submitted that applicants apprehend their arrest in this crime as their names are mentioned in the report which is against 50 other unknown persons alleging that on 15th July 2008, said persons caused damage to complainant's establishment where he used to run Lok Natya training institute. It is contended that applicants are shown as absconding in charge-sheet.

3. Perusal of report would reveal that same is lodged on the basis of information received by complainant Tukaram Mane from watchmen namely Sabale and Sawant. No full names of watchmens are mentioned in report. Perusal of charge-sheet does not reveal any witnesses by name Sawant though there are names of two witnesses whose surname are Sabale, their statement are not forming part of charge-sheet. In that view of matter, part of content of FIR prima facie appears to be inadmissible being hearsay, in absence of statement of Sabale or Sawant, from whom complaint claims to have knowledge of incident. Even otherwise there are vague allegation in report involving about 50 unknown men and women who had caused damage to complainant's property where he used to run Lok Natya training institute and in the course of same transaction, are alleged to have stolen gold ornaments, cash and mobile phone, totally valued at Rs.1,10,000/-, learned APP, on instructions, makes a statement that no recovery of any articles is effected during the course of investigation.

4. Having considered involvement of applicant as aforesaid, following order is passed :-

ORDER

- (i) In the event of arrest of applicants in C.R. No.9 of 2008 registered with Alandi-Devachi Police Station, Pimpri Chichwad, Pune for the offences punishable under Sections 143, 147, 149, 427, 395 of IPC, they shall be released on bail on their executing P.R. Bond in the sum of Rs.10,000/- each with one surety each in the like amount;
- (ii) Since applicants are shown absconding in charge-sheet filed in C.R. No.9 of 2008 registered with Alandi-Devachi Police Station, Pimpri Chichwad, Pune, they shall appear before learned Sessions Court and seek regular bail within three weeks from today;
- (iii) In the event applicants adopt recourse as aforesaid, their applications shall be considered within reasonable period;
- (iv) Application is disposed off in above terms.

(P.N.DESHMUKH, J.)