

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

ANTICIPATORY BAIL APPLICATION NO. 1005 OF 2019

Anil Tukaram Mohite	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Manoj Mohite i/b Mr. Shantanu R. Phanse for the Applicant.
Mr. M.G. Patil, A.P.P. for the Respondent – State.
Mr. V.N. Devkar, A.P.I. Yaval Police Station, Pune Rural, present.

CORAM : P.N. DESHMUKH, J.

DATED : 25th APRIL, 2019.

P.C. :

1 Issue notice. Learned A.P.P. waives service of notice for respondent-State. Heard learned Counsel for applicant and learned A.P.P. Perused the charge-sheet.

2 Learned Counsel for applicant submitted that applicant is arrested in this crime on the basis of statement of Sujata widow of deceased Swapnil and one Baburao Shelar, eye witnesses to the incident as in their statements, role attributed to applicant is to the effect that co-accused Somnath Shelar during the course of incident of assault, had taken name of applicant. Learned Counsel for applicant had referred to earlier order of this Court dated 04.04.2019 passed in Anticipatory Bail

Application No.616 of 2019 and had contended that role attributed to applicant is at par with those co-accused as neither widow of deceased or eye witnesses even had taken name of present applicant as against the case of co-accused, who was granted anticipatory bail, whose name was taken by co-accused Somnath Shelar. Apart from said order even on considering statements of Mahesh Shelke and Ravindra Jagtap it is noted that their statements do not lead the case of prosecution in any manner as their statements only established that applicant being in the company of co-accused much prior to incident.

3 In view of available evidence against applicant as aforesaid and having considering detail order passed on 04.04.2019, case is made out for grant of protection to applicant on merits as well as on parity as per order below :

ORDER

(i) In the event of arrest of applicant in C.R. No.I-720 of 2018 registered with Yavat Police Station, Baramati, District Pune, for the offences punishable under Sections 302, 143, 147, 148, 149 r/w 120-B of I.P.C. he shall be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;

(ii) While on bail, applicant shall mark his presence with Investigating Officer initially for period of one month from 05.05.2019 to 10.05.2019 between 10.00 a.m. to 1.00 p.m. and shall co-operate with investigation.

iii) Application is disposed of.

(P.N. DESHMUKH, J.)