

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1092 OF 2019

Suraj s/o Subhash @ Bapusaheb Jagtap] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. V.V. Purwant for Applicant.
Smt. A.A. Takalkar, APP for State.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 03 JUNE, 2019

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.254/2018 registered with Kurduwadi Police Station, District Solapur. The FIR was registered on 17/06/2018. The charge-sheet is filed against the other accused. The present applicant never surrendered, neither he is arrested and today he is seeking anticipatory bail. The charge-sheet is filed u/sec. 302, 504, 506, 143, 147, 148, 149, 120 (b), 427 of I.P.C. and u/sec. 4, 25 of Arms Act and u/sec. 3 (1) (ii), 3 (2), 3 (4) of the MCOC Act.

2. The FIR is lodged by one Santosh Mane who was distantly related to one Vicky Gaikwad. According to the first informant, Vicky was arrested in connection with one offence. According to the prosecution case, he was arrested in connection with an offence of attempt to commit murder of one Manik Shrirame. The said Manik is also one of the accused in the present case. When Vicky was released on bail pursuant to the order passed by the Sessions Court, he was ordered to report to Kurduwadi Police Station thrice a week. It is mentioned in the FIR that on 17/06/2018 Vicky gave his attendance to the police station and went to meet one Jayashree Mane. After that the first informant, Vicky and others started to go to Solapur and at that time about 10 known and 10 to 12 unknown persons were seen by the first informant near Manik's house. While the first informant and Vicky crossed the toll-naka, suddenly 10 to 12 motorcyclists intercepted them. They were carrying weapons like sickles and swords.

3. The first informant has given names of these accused. It is mentioned by the first informant that all of them chased Vicky and assaulted him. The victim succumbed to his injuries and thereafter

the FIR was lodged. The charge-sheet is already filed which contains statement of another eye witness Ashish Rajput who has corroborated narration of the first informant. The statement of Ashish Rajput is also recorded u/sec. 164 of Cr. P.C. One more witness Rajat whose statement is also recorded u/sec. 164 of Cr. P.C. has also supported the first informant and Ashish Rajput.

4. In addition, there is statement of Sangeeta who has heard the accused including the present applicant planning to commit Vicky's murder. Considering these strong circumstances against the present applicant and the fact that since the registration of FIR the applicant has never been available, he does not deserve to be released on anticipatory bail. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)