

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1353 OF 2019
WITH
CRIMINAL APPLICATION NO. 835 OF 2019
IN
BAIL APPLICATION NO.1353 OF 2019

Santosh Ramchandra Waghmare] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Abhay Jadhavar, Advocate for Applicant.

Mr. S.H. Yadav, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 11 JUNE, 2019.

P. C. :-

1. The applicant is seeking bail in connection with C.R.No.162/2011 registered with Mundhwa Police Station, Pune u/sec. 436 of I.P.C.

2. The FIR was lodged by one Vishal Meshram on the allegations that on 14/11/2011 the present applicant poured petrol on his motorcycle and burnt it. Due to this act of the applicant, the seat cover, mudguard cover, chain cover and wiring was burnt and damage

to the tune of Rs.10,000/- was caused to the first informant. Based on these allegations, the offence was registered.

3. The applicant was not immediately arrested and it is the case of the prosecution that he was absconding for more than seven years. Finally, the applicant was arrested on 18/03/2019 and since then he is in custody.

4. Heard Mr. Abhay Jadhavar, Advocate for the Applicant and Mr.S.H. Yadav, APP for State/Respondent.

5. The allegations in the FIR do not make out any case u/sec. 436 of I.P.C. The act of the applicant has not caused destruction to any building. At worst Section 435 of I.P.C. can be attracted which is a bailable offence. In this view of the matter though the applicant was not available for seven years but since the offence is bailable, he cannot be kept in jail. Therefore, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.162/2011 registered with Mundhwa Police Station, Pune on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend each and every date before the Trial Court.
3. The applicant shall attend Mundhwa Police Station every alternate Sunday from 3.00 p.m. to 5.00 p.m.
4. Application stands disposed of accordingly.
5. In view of the disposal of bail application, the other application does not survive and is also disposed of.

(SARANG V. KOTWAL, J.)