

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

ANTICIPATORY BAIL APPLICATION NO.1362 OF 2019

Somnath Raghunath Matere	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Aniket Nikam i/b. Vivek Arote, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PSI Nitin Patil, Vani Police Station, Nashik (Rural), present.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.87/19 registered with Vani Police Station, Nashik (Rural), under sections 379 r/w 34 of the Indian Penal Code.
2. The FIR is lodged by Talathi Mr.Gajkumar Patil. He has mentioned that on 02/06/2019 Tahesildar Mr.Gadhve informed him that API Pravin Padavi was patrolling in Chinchkhed area and they intercepted two tractors bearing No.MH-15-DU-9022 and MH-15-GA-7521. One of the drivers

ran away. The driver on the tractor No.MH-15-DU-9022 was apprehended. As per the prosecution case, there were three more tractors parked in the riverbed of river Kadva. All of them had ran away from the spot on seeing police party. It is the case of the investigating agency that the present Applicant was the owner of one of the tractors. On these allegations, the FIR is lodged.

3. Heard learned Counsel Mr.Aniket Nikam for the Applicant and learned APP Mr.Prashant Jadhav for the State.
4. Mr.Nikam pointed out that one Manik Fakira Devkar, who was similarly placed as the present Applicant, was arrested on 04/06/2019. The allegations against Manik were also that he was one of the tractor owners. Mr.Nikam pointed out that on the date of arrest itself when he was produced before the Magistrate, the police sought magisterial custody and not the police custody. Mr.Nikam therefore submitted that the police did not need their custody for interrogation purpose and therefore there was no point in denying anticipatory bail to the present Applicant.

5. Learned APP could not justify as to how the magisterial custody was sought for on the very first day itself. The case of that accused Manik is not different from the present Applicant. In this view of the matter, it is more than apparent that the investigating agency does not want custody either of accused Manik Devkar or of the present Applicant for interrogation purpose. Hence no purpose will be served keeping the Applicant behind the bars. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.87/19 registered with Vani Police Station, Nashik (Rural), the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)