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

ANTICIPATORY BAIL APPLICATION NO.1621 OF 2019

Dilip Dattatraya Mohite	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.M.S.Mohite i/b Mr.Tapan Thatte, for the Applicant.

Ms. Veera Shinde, A.P.P for the Respondent - State.

P.I. - Sunil D., Chakan Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st AUGUST, 2019

P.C. :

1. In view of the 'not before' order passed by the Hon'ble S. V. Kotwal, J., the aforesaid Application is placed before this Court.
2. Heard learned Counsel for the parties.
3. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 695 of 2018 registered with the Chakan Police

Station, Pune (Rural), for the alleged offences punishable under Sections 353, 341, 326, 332, 333, 324, 323, 143, 144, 145, 147, 148, 149 and 120B of the Indian Penal Code, under Section 8B of the National Highways Act and under Section 26 of the National Green Tribunal Act.

4. Perused the papers. According to the prosecution, a Maratha Morcha was organised by Manohar Wadekar at Chakan. It is alleged that the Applicant in the said morcha gave a provocative speech, resulting in violence. It appears that pursuant to the incident that took place on 30.07.2018, the Chakan police registered two C. Rs., being C. R. No. 695 of 2018 i. e. the present C. R. and another C. R. being C.R. No. 713 of 2018. In C. R. No. 713 of 2018, charge-sheet was filed as against 15 persons (the applicant has not been named in the said charge-sheet). As far as the present C.R. is concerned, i. e. C. R. No. 695 of 2018, almost 82 persons were arrested along with several juvenile accused. Admittedly, the Applicant has not been named in any of the remand reports nor is there any allegation of conspiracy being hatched by the applicant in any of the remand reports. It appears that after one year i.e. on 10.07.2019, Section 120B was added for the first time and the Applicant's house was raided.

The statements of the witnesses were recorded in March and August, 2019, for the first time. Perused the said statements. *Prima facie*, the said statements recorded belatedly cannot be said to be incriminating. Admittedly, in the charge-sheet, which was filed with respect to the same incident i.e. C.R.No.713 of 2018, no allegation have been made as against the applicant, in the said charge-sheet. The applicant has reported to the concerned Investigating Officer, as directed by this Court vide order dated 26th July, 2019 and have even given his voice sample.

5. Considering the aforesaid, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 26th July, 2019, is confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the

concerned Police Station, as and when called;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall co-operate with the Investigating Agency.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.