

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

ANTICIPATORY BAIL APPLICATION NO. 2425 OF 2019

Nikhil Baburao Swami	...	Applicant
V/s		
State of Maharashtra	...	Respondent

Mr. Pranav H. Bhoite, for the Applicant.
Mr. S.H. Yadav, APP for State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th November, 2019

PC :

. This is an application for anticipatory bail in connection with C.R.No.303 of 2019, registered with Daund Police Station, District-Pune, for the offenses punishable under Sections 307, 143, 147, 148, 323, 337, 504 and 506 of the Indian Penal Code ("IPC", for short). The First Information Report ("FIR", for short) was registered on 17th May 2019.

2 The prosecution case is that on 17th May, 2019, one Sachin Parab got electrocuted on electric pole and subsequently died. It is alleged that about 28 persons had protested against the said incident and they had assaulted the injured Santosh @ Sani Sonar by stone, fist/kick blows.

The FIR was lodged, some persons were arrested and they had been granted bail.

3 On perusal of the FIR, it is apparent that the applicant was not present at the scene of offence and thus did not participate in assault. He has not been named in the FIR. The statement of the injured was however recorded on 1st June, 2019 wherein it was alleged that the applicant had instigated others to commit crime. The statement of Rahul Bhosale was recorded on 2nd June, 2019 alleging that the applicant and another person had threatened him.

4 The contention of the applicant is that he has been falsely implicated in this case. He has not participated in the crime. He was closely associated with Sachin Parab. It is also submitted that offence under Section 304 of IPC has been registered against the informant in the present case by mother of Sachin Parab. The applicant is one of the witness in the said case. Learned APP submitted that although the applicant was not present at the scene of offence. The statements of the complainant and another witnesses indicate that the applicant was instigator. He also submitted that two other persons Shrikant Thorat and

Pramod Rane had preferred an application for bail before this Court which were withdrawn as the Court was not inclined to grant relief.

5 It is pertinent to note that about 28 persons were allegedly involved in the crime. The applicant is not named as an assailant. He was not shown to be present at the scene of offence. The statement of the complainant which was recorded on 1st June 2019 only indicate that he was instigator. It is also noted that the mother of the deceased has lodged the complaint against the informant in this case. The case of the applicant can be distinguished from the other accused who preferred the application for anticipatory bail before this Court which was allowed to be withdrawn.

6 In these circumstances, applicant can be granted anticipatory bail on certain terms and conditions. Hence, the order as follows:

ORDER

- (i) Anticipatory Bail Application No.2425 of 2019 is allowed.
- (ii) In the event of arrest in connection with C.R. No. 303 of 2019, registered with Daund Police

Station, District-Pune, the applicant may be released on bail on his executing PR Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) The applicant shall report to the Investigation Officer on 13th, 14th and 15th November 2019 between 10.00 a.m. to 12.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.
- (iv) The applicant shall not tamper with the evidence.
- (v) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)