

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

ANTICIPATORY BAIL APPLICATION NO. 2507 OF 2018

Omraj Balasaheb Patil ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Rameshwar Gite for Applicant.

Ms. J. S. Lohokare, APP for Respondent – State.

U. D. Ahire, PSI, Chhavani Police Station, Malegaon present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 21, 2019.

P.C. :

. In Crime No. 197 of 2018 for an offence punishable under Sections 307, 326, 323, 504, 506 read with Section 34 of Indian Penal Code and Section 4(25) of the Arms Act the Applicant is seeking pre-arrest bail.

2. There are other three co-accused who were arrested and released on regular bail.

3. The Applicant, a law student seeking pre-arrest bail on the ground that there are no antecedents and very restricted role is attributed.

The prayer is opposed by the learned APP stating that the Applicant was present on the spot of the incident as could be inferred from the CCTV footage.

4. Having considered the submissions, what is noticed is, very restrictive role is attributed to the Applicant i.e. caught holding of the victim. As such, no recovery is warranted.

5. The investigation is at nascent stage. There are no antecedents.

6. Having regard to the fact that the Applicant is a student and for the aforesaid reasons, in my opinion, custodial interrogation of the Applicant is not warranted. As such, a case for grant of pre-arrest bail is made out. Hence the following order.

ORDER

(A) In the event of arrest in Crime No. 197 of 2018 for an offence punishable under Sections 307, 326, 323, 504, 506 read with Section 34 of Indian Penal Code and Section 4(25) of the Arms Act the Applicant be released on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.

- (B) The Applicant shall attend the Investigating Officer on every Saturday and Sunday of each calendar month between 10.00 a.m. to 12.00 noon and thereafter as and when directed.
- (C) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
- (D) The Applicant shall provide his contact number and address of the place of abode with the Investigating Officer within a period of one week from today.
- (E) In case if the Applicant is found involved in similar type of offence hereinafter, prosecution will be at liberty to move for cancellation of bail.

7. Anticipatory Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)