

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

ANTICIPATORY BAIL APPLICATION NO. 2716 OF 2018

Digambar Rohidas Agawane	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2718 OF 2018**

Nana @ Tukaram Ganpat Adake & Anr.	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Manoj Mohite i/b Mr. Sachin Deokar for the Applicants in both Applications.
Ms. S.S. Kaushik, A.P.P. for the Respondent – State.
Mr. D.A. Dalvi, P.S.I. Phaltan City Police Station, District Satara, present.

CORAM : P.N. DESHMUKH, J.

DATED : 18th MARCH, 2019.

P.C. :

1 Both these applications since arise of same crime, are heard together. Heard learned Counsel for applicants and learned A.P.P. Investigating Officer present. Perused case diary. Learned Counsel for the applicant apart from claiming anticipatory bail on the ground of parity with other co-accused has also submitted on the merit of the case of applicants

and referred to earlier orders of this Court dated 10.01.2019 and 17.01.2019 protecting from their arrest.

2 Learned A.P.P. on instructions, did not dispute above said fact however, had contended that there are criminal antecedents against the applicants including registration of one offence punishable under Sections 376 of I.P.C. which offence is stated to be admittedly quashed, and is in no way concerning present applications.

3 In that view of the matter and having considered fact of involvement of 49 accused persons as named in the F.I.R. and as many are shown absconding together with observations of this Court, granting bail to co-accused that the applications are booked for the offence punishable under Section 120-B of the Indian Penal Code for which prosecution has relied only on the video recording of memory card seized during the course of investigation, and as it is noted that there are no details with regards to contents of said video recording so as to identify the role of each of the applicants who are named as accused in the crime in question and since this Court has already observed that custodial interrogation of co-accused is not required. Application is liable to be allowed by confirming interim directions dated 10.01.2019 as per order passed below :

ORDER

- i) Both the applications are allowed thereby confirming interim directions passed therein on 10.01.2019.
- ii) Both the applicants in the respective Applications shall attend the Investigating Officer as and when called till filing of charge-sheet and shall co-operate with the investigation and shall not tamper the evidence.
- iii) Applications are allowed to be disposed of in above terms.

(P.N. DESHMUKH, J.)