

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No.426 of 2019

Narendra s/o Madhukar Kodape
Vs.
State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R.Vyas Advocate for the applicant.
Mr. M.J. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 8, 2019

The applicant herein has approached this Court seeking anticipatory bail in connection with FIR dated 2.9.2017. In the said FIR, offences under Sections 457 and 380 of the Indian Penal Code, have been registered against unknown person. It has come on record that a person said to have been involved along with the applicant in the present case was arrested in connection with another offence and he gave a statement on 7.12.2017 allegedly admitting that he and the applicant herein were involved in the present case, whereby the aforesaid FIR dated 2.9.2017 was registered. It is contended on behalf of the applicant that when the applicant was added as an accused in the present case, he had moved an application for anticipatory bail before the Sessions Court, which stood rejected by order on 21.5.2019.

2. The learned counsel for the applicant submitted that other than the statement of the alleged co-accused person, there is nothing to connect the applicant with this incident in the present case. It was further pointed out that the applicant also came to be involved in the other case in which the co-accused person was arrested and he allegedly admitted to his involvement and that of the applicant herein, in the present case. It is further pointed out that insofar the other case is concerned, bearing Crime no.213 of 2017 for offences under Sections 347, 395 and 506 of the Indian Penal Code, by order dated 17.3.2018 the applicant was granted anticipatory bail by the Sessions Court. It has also come on record that the said co-accused person was granted regular bail in both cases.

3. Although, learned APP has opposed for grant of bail to the present applicant, it is evident from the material presently on record that other than the statement of the co-accused person, there is lack of material to connect the applicant with the incident leading to registration of the aforesaid FIR dated 2.9.2017. This is particularly significant in the backdrop of the fact that the said FIR was registered against unknown person. It is also a fact that the co-accused person has already been granted regular bail. Therefore, as long as the applicant is ready to co-operate with the investigation and in the proceedings before the trial Court, the present

application can be allowed.

4. Hence, in the event, the applicant is arrested in Crime No.41/2017 registered at Police Station, Dighori, District Bhandara, he shall be released on furnishing PR bond of Rs.25,000/- and surety in the like amount. The applicant shall co-operate with the investigating agency and he shall attend the police station, Dighori, District Bhandara, once in a week i.e Sunday between 10.00 a.m. and 5.00 p.m. during the pendency of the trial. The applicant shall also attend proceedings before the trial Court on each and every date. The applicant shall not tamper with the evidence and influence the witnesses.

5. It is clarified that the observations made in the present order are limited to the question of grant of anticipatory bail to the applicant.

JUDGE