

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1692 OF 2019

Nikhil Ramdas Kalate

...Applicant

Versus

The State of Maharashtra

...Respondent

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Ms. Janki R. Krishnan, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th January, 2020

PC :

1. The Applicant is seeking anticipatory bail in connection with C. R. No.93 of 2019 registered with Talegaon MIDC Police Station, under sections 302, 364, 201, 120B of the Indian Penal Code and (4) 25 of Ams Act and sections 37(1), 135 of Maharashtra Police Act.
2. The FIR is lodged by the police officer Satish Suresh Kamble, attached to Crime Branch II. The CrimeBranch was investigating C.R. No. 30 of 19 registered with MIDC Police Station. During investigation they received information that four persons had committed murder of one Swapnil Sutar. The accused Baba @ Sahil Laxman Shinde was arrested. On his interrogation it was revealed that Baba @ Sahil Shinde and Sahil Abhijit Mhalaskar were holding grudge against the deceased Swapnil Sutar. On 3rd

June, 2019 Sahil Shinde, Sahil Mhalaskar and Saurabh Khedekar had hatched conspiracy to commit murder of Swapnil Sutar. On 6th June, 2019 on some pretext Swapnil Sutar was taken to a secluded spot and after making him consume liquor he was assaulted with sickle and chopper. One Amit Sathe was also with the above accused. After murder of Swapnil, the accused called the Applicant and his friend Kamlesh Kadam and told them that they wanted to hide something and the Applicant should show them a safe place for that. Thereafter the Applicant and his friend made them to follow their motorcycle. They led them to the spot where the dead body was thrown.

3. The applicant was granted interim protection by order dated 1st August, 2019. The applicant was directed to attend the Police Station. He had attended and cooperated with the investigation. On perusal of the FIR it can be seen that he had no role to play in the commission of murder and hatching conspiracy. Considering factual matrix of this case, custodial interrogation of the applicant is not necessary. Hence, interim order deserves to be confirmed.

ORDER

- i) Anticipatory Bail Application No. 1692 of 2019 is allowed;

- ii) In the event of arrest of applicant in C. R. No. 93 of 2019 registered with Talegaon MIDC Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)