

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2061 OF 2021**

Ramchandra Kaka Sawant

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. R.V. Bansode for the Applicant.

Smt. Anamika Malhotra, APP for the Respondent-State.

Mr. R.A. Tambe, Investigating Officer, Vaduj Police Station.

CORAM : A. S. GADKARI, J.**DATE : 14th SEPTEMBER, 2021.****PC:-**

Applicant is apprehending arrest in connection with C.R. No.0238 of 2020 dated 3rd December, 2020 registered with Mhaswad Police Station, District Satara for the offence punishable under Sections 302, 143, 147, 148, 149 and 427 read with Section 34 of the Indian Penal Code.

2 Heard Mr. Bansode, learned counsel for the Applicant and Smt. Malhotra learned APP for the Respondent-State. Perused charge-sheet.

3 The prosecution case in brief is that, in the intervening night of 22nd November, 2020, after 2.30 a.m., the Applicant and other accused persons chased a Mahindra Bolero pick up vehicle bearing No.MH-42 M-5965 which was being driven by deceased Lahuraj Kolekar.

It is alleged that, Lahuraj Kolekar was trying to flee away after

committing theft of buffaloes and other animals from the village Gotanvasti. That, after seeing the same, Applicant along with co-accused chased him on motor cycles and accosted deceased and thereafter mercilessly beat him. It is alleged that, at that time the present Applicant removed air from the tyres of the said pick up vehicle, which was being driven by Lahuraj Kolekar (Deceased.) The role of assault is attributed to other accused persons.

4 Perusal of charge-sheet would indicate that, after completion of the Investigation, the police have come to the conclusion that, the Applicant had removed air from the tyres of pick up vehicle when the other accused persons were beating Lahuraj Kolekar. Though Section 149 of the Indian Penal Code is applied to the present crime at the time of filing of the charge-sheet, the only role attributed to the Applicant is of removing of air from the tyres of pick up vehicle and none else. The investigation of the present crime is already completed and police have submitted charge-sheet in the Court of competent jurisdiction.

5 In view thereof, this Court is of the opinion that, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary and he can be protected by pre-arrest bail.

6 Hence, the following Order:-

- (i) In the event of arrest in C.R. No.0238 of 2020 dated 3rd December, 2020 registered with Mhaswad Police Station, District Satara, the Applicant shall be released

on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties.

- (ii) Applicant shall attend all the dates before the Trial Court if the charge-sheet is submitted against him, unless and until precluded for medical reasons and exempted by the Trial Court.
- (iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)