

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.384 OF 2021**

Durgappa @ Kuntya Sunkappa Annareddi ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Vikrant V. Phatate, Advocate for the Applicant.

Mr. K.V. Saste, APP for the Respondent - State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 26th APRIL 2021.

PC. : Through video conference

1. Heard the learned counsel for the applicant and the learned APP for the Respondent – State.

2. Applicant herein is arrested on 3rd November 2020 in Crime No.1432 of 2020 registered at Sadar Bazar Police Station, Solapur for the offences punishable under sections 143, 144, 147, 148, 149, 307, 323, 504, 506 r/w 34 of Indian Penal Code and under sections 135, 37(1), 37(3) of Bombay Police Act and under section 4 of the Arms Act.

3. Applicant is granted interim protection vide order dated 10th February 2021 by this Court. It is observed in the order that there is material on record to show that on the date of the incident the

applicant was in Kalyan and he was not in Solapur. The Investigating Agency was given time to verify the said case. The learned APP submits that as on today, he has no instructions from the Investigating Officer. However, plea of alibi can be considered at the time of trial. As such onus would lie upon the accused to substantiate his *plea of alibi*. As of today, interim relief granted vide order dated 10th February 2021 needs to be continued on same terms and conditions.

ORDER

- (i) Application is allowed;
- (ii) In the event of his arrest, in connection with C.R. No.1432/2020 registered at Sadar Bazar Police Station, Dist. Solapur, till the next date, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount;
- (ii) Applicant shall attend the concerned Police Station on as and when called and shall cooperate with the investigation;
- (iii) Application is disposed of on above terms;
- (iv) Parties to act upon authenticated copy of the order.

(SMT. SADHANA S. JADHAV, J)