

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1622 OF 2021**

Mahesh Shantaram Deokate & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

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Mr.Prashant Patil i/b Mr.Prashant S. Hagare for the Applicants.

Mr.S.H.Yadav, APP for the State.

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CORAM: BHARATI DANGRE, J.

DATED : 15th JULY, 2021

P.C:-

1. The applicants are claiming parity with the co-accused Rushikesh Balaso Shelke, who was granted protection by this Court in anticipation of his arrest in same C.R. being C.R.No.259 of 2021, registered with Baramati City Police Station, District Pune, wherein the applicants are also arraigned as an accused. The said C.R. invokes Sections 307, 353, 379 read with Section 34 of the IPC and Sections 3(1)/181, 5/180 of the Motor Vehicle Act.

2. The complainant is one Somnath, who is working as an Accountant in Gram Panchayat, Dorlewadi. He refers to an incident dated 22/4/2021, when he received information from the Police Patil of Dorlewadi that a tractor is excavating sand

illegally and thereupon, the Police Patil, Kotwal of the village and a social worker reached near his house. Thereafter, they approached the place where the alleged excavation was reported on the bank of the river. While he alongwith Ajit Jadhav was inspecting the river, a tractor driven by one Shubham Shinde, resident of Dorlewadi was noticed. Rushikesh Shelke and applicant No.1 are also alleged to have been accompanying him alongwith one unknown person. The allegation in the complaint is, when these people noticed them, the driver of the truck attempted to drive the truck towards them and it is alleged that it was done by uttering that the complainant was keeping a watch and creating an obstruction in excavating the sand.

3. On perusal of the allegations levelled, it is apparent that the vehicle was being driven by co-accused Shubham Shinde, who is alleged to have made an attempt to kill the complainant and Ajit Jadhav. *Prima facie*, no overt act is attributed to the present applicants and further the FIR reveals that there is no injury sustained by the complainant or Ajit Jadhav. In such circumstances, no custodial interrogation of the applicants is warranted. On an assurance that they will co-operate with the investigation, the applicants are entitled for similar relief as was granted to co-accused Rushikesh Shelke. Hence, the following order.

: ORDER :

(a) Application is allowed.

- (b) In the event of arrest in C.R.No.259 of 2021 registered with Baramati City Police Station, applicant No.1-Mahesh Shantaram Deokate and applicant No.2-Suraj Ramchandra Deokate shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each, with one or two sureties of the like amount.
- (c) The applicants shall report to the Baramati City Police Station on every Monday between 10.00 a.m. and 1.00 p.m. for a period of four weeks and, thereafter, as and when called for.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

SMT. BHARATI DANGRE, J