

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2081 OF 2022

Lakhan Ramchandra Thombare ... Applicant

V/s.

The State of Maharashtra ...Respondent

Ms. Pushpa V. Ganediwala a/w Ashish Satpute a/w D.A. Chandekar a/w Ankit Dhindale a/w H. Bhayani i/b Gaurav Nankar, Advocate, for the Applicant.

Ms. P.P. Shinde, APP, for the State.

Mr. Sachin Appa Appadkar, P.H.C. B.No. 993, Kavathe Mahakal Police Station, District Sangli present.

CORAM : N.R. BORKAR, J.
DATE : 16.11.2022.

PC. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in C.R. No.56 of 2022 registered at Kavathe Mahakal Police Station, District Sangli, for the offences punishable under Sections 302, 364, 201, 347, 143, 147, 148, read with 149 of the Indian Penal Code, 1860 (in short I.P.C.).

3. It is the case of the prosecution that sometime after 11.00 p.m. of 08/10/2021 and before 9.00 p.m. of 09/10/2021, the present applicant alongwith other co-accused assaulted the deceased Avdhuth Shinde and committed his murder due to dispute over some financial

transactions.

4. This Court on 29/08/2022, passed the following order:

“1. This is an application under Section 438 of Cr.P.C. fled by the Applicant apprehending his arrest in Crime No.56 of 2022 registered with Kavthe -Mahankal Police Station, District-Sangli for the offences punishable under Sections 143, 147, 148, 201, 302, 364, 347 r/w. 149 of the IPC.

2. On 01/08/2022 learned APP on instructions made statement that no coercive steps would be taken till 05/08/2022. Said statement was continued from time to time.

3. Learned counsel for the Applicant states that the Applicant is not involved in committing the subject crime and that there is neither direct nor circumstantial evidence as against the Applicant and that the only material against the Applicant is the statement of the co-accused.

4. Learned APP states that the investigating officer is not present and she seeks time to take instructions. Since the learned APP is unable to controvert the statement made by learned counsel for the Applicant and/or to show any material against the Applicant, the Applicant is granted interim protection till the next date of hearing on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.56 of 2022 registered with Kavthe -Mahankal Police Station, District-Sangli, the Applicant is ordered to be released on interim bail on furnishing bail bonds of Rs.50,000/-with one or two sureties in the like amount.

(ii) The Applicant shall report to the Investigating

Officer initially for three days from 05/09/2022 between 10.00 to 1.00 p.m. and thereafter as and when called for.

(iii) The Applicant shall not tamper with the prosecution evidence and/or influence the witnesses in any manner.

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

5. Stand over to 12/09/2022.”

5. The learned counsel for the applicant submits that the applicant has attended the Police Station pursuant to the order passed by this Court dated 29/08/2022. The learned APP has not disputed the said statement.

6. The only incriminating material against the present applicant is the statement of co-accused- Anandrao Atmaram Patil dated 06/02/2022, wherein he has stated that the present applicant was present at the time of alleged incident of murder of the deceased. However, it appears that prior to recording of the statement dated 06/02/2022, the statement of said Anandrao Patil was recorded on 20/10/2021 and in the said statement there is no reference of the present applicant. No motive is attributed to the present applicant. There is no admissible evidence against the present applicant, in relation to the alleged crime.

7. Considering the overall facts and circumstances, I am inclined to confirm the interim anticipatory bail order passed by this Court on 29/08/2022. The order dated 29/08/2022 of interim anticipatory bail is hereby confirmed.

[N.R.BORKAR, J.]