

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3109 OF 2022

Samir H. Shaikh ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. V.V. Purwant a/w. Mr. Rushikesh Kale for the Applicant.
Ms M.M. Deshmukh, APP for the Respondent / State

CORAM : N.R. BORKAR, J.
DATE : 11.11.2022.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of anticipatory bail.
2. The applicant is apprehending his arrest in C.R. No.318 of 2022 registered at Vairag Police Station for the offences punishable under Sections 109, 143, 147, 148, 149, 307, 323, 326 of the Indian Penal Code, 1860 (IPC) and under Section 135 of the Maharashtra Police Act, 1951.
3. I have heard the learned counsel appearing for the applicants and the learned APP for the respondent / State.
4. The learned counsel for the applicant has tendered a copy of order passed by this Court dated 23 September 2022 in Anticipatory Bail Application No. 2264 of 2022. By the said order, this Court has released the co-accused Shriganesh @ Ganesh Deshmukhe (Ganesh) on bail. The learned counsel for the

applicant submits that the role attributed to the present applicant and the co-accused Ganesh in crime in question is identical. It is submitted that even otherwise no specific *overt-act* is attributed to the present applicant. It is submitted that considering the nature of role attributed to the present applicant, the applicant deserves to be protected.

5. On the other hand, the learned APP for the respondent/State submits that the applicant is involved in serious offence of attempt to murder. It is submitted that specific *overt-act* is attributed to the present applicant. It is accordingly, submitted that the applicant may not be granted anticipatory bail.

6. I have perused the First Information Report. The role attributed to the present applicant and to the co-accused Ganesh, to whom this Court has granted anticipatory bail, is identical. Considering this fact, I have no option except to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

- A) Anticipatory Bail Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.318 of 2022 registered at Vairag Police Station for the offences punishable under Sections 109, 143, 147, 148, 149, 307, 323, 326 of the Indian Penal Code, 1860 (IPC) and under Section 135 of the Maharashtra Police Act, 1951, he be released on bail on executing P.R. Bond in the sum of

Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

C] The applicant shall attend the concerned police station on 15 November 2022 between 11:00 a.m. to 2:00 p.m. and thereafter as and when called and shall cooperate in the investigation.

[N.R.BORKAR, J.]