

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL ANTICIPATORY BAIL APPLICATION
NO.451 OF 2022**

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Mr.Amey Narendra Bhati ... Applicant
V/s.

The State of Maharashtra ... Respondent

Mr.Shantanu R. Phanse, Advocate for the Applicant.
Mr.A.R.Kapadnis, APP for the Respondent-State.
Mr.Jadhav, API, Wada Police Station, Palghar present.

**CORAM : C.V. BHADANG, J.
DATE : 22 FEBRUARY, 2022.**

P.C.:-

1. The applicant apprehending arrest in Crime No.I-399 of 2021 of Police Station Wada under section 436, 120B r/w 34 of IPC is seeking anticipatory bail.

2. The aforesaid offence is registered on the basis of the FIR lodged by Kunal Shirke. He claims that in the night on 23 November, 2021 at about 2.45 a.m. when he got up he found that his Maruti Ertiga car bearing No.MH48 BT 3341 is set on fire. The applicant managed to douse the fire. After two weeks of this incident the FIR came to be registered, on 4 December, 2021 on the basis of certain statement of the witnesses when it is revealed that it was the applicant who alongwith the co-accused is involved in setting the car ablaze.

3. I have heard the learned counsel for the parties.

4. Prima facie it appears that the offence cannot fall under section 436 of IPC as the same pertains to a mischief by explosive substance with an intention to destroy a house etc..

5. The learned counsel for the applicant submits that at the highest the offence would fall under section 434 of IPC which is a bailable offence.

6. The learned counsel for the applicant further submitted that all the other co-accused have been released on bail. There is a political rivalry between the accused No.4 and the complainant on account of Gram Panchayat elections and applicant being associated with accused No.4 has been falsely implicated.

7. Considering the overall circumstances, the following order is passed :-

ORDER

i. In the event of arrest in connection with investigation of Crime No.I-399 of 2021 registered with Wada Police Station the applicant be released on bail on executing a PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two solvent sureties in the like amount.

ii. The applicant shall report to the Investigating Officer on 1 and 2 March, 2022 between 11.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Officer as and when called.

- iii. The applicant shall not enter the jurisdiction of Police Station Wada except for attendance till conclusion of the trial.
- iv. The applicant shall not tamper with the prosecution evidence/ witnesses.
- v. The Criminal Anticipatory Bail Application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)

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