

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

BAIL APPLICATION NO.3022 OF 2022

Anil Chandrakant Bhosale	]	
Age 24 yrs, Occ: Homeguard.	]	
Presently at Sangola sub-Jail,	]	
Sangola.	]	Applicant/Accused.
Versus		
The State of Maharashtra	]	
Through Sr.Police Inspector,	]	
Sangola Police Station, Sangola	]	
District-Solapur.	]	Respondent.

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Mr.Laxman Kalel, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the State.

Mr.Anil Balu Nimbalkar, Police Naik, Buckle No.1776, Sangola Police Station.

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CORAM : R. N. LADDHA, J.

DATE : 5 DECEMBER 2022.

P.C.:

By this application, the Applicant is seeking bail in connection with C.R.No.1394 of 2021 registered at Sangola Police Station, Solapur, against the Applicant for the offences punishable under Sections 394, 397, 279, 427 r/w Section 34 of the Indian Penal Code and Section 184 of the Motor Vehicles Act, 1988.

2. The Applicant was arrested on 13.11.2021 during the investigation. The Sessions Court rejected the application for bail filed by the Applicant. It is also an admitted position that one of the co-accused persons was granted bail by this Court by order dated 29.9.2022, passed in Bail Application No.1606 of 2022.

3. Mr Laxman Kalel, learned Counsel appearing on behalf of the Applicant, submitted that the Applicant has been languishing in jail for more than one year. It is submitted that although the Applicant is not specifically named in the FIR, he came to be arrested in connection with the said offence.

4. The learned Counsel for the Applicant submitted that there is no recovery at the behest of the Applicant. It is submitted that there is no material placed on record to link the Applicant with the co-accused persons.

5. It is submitted that during the pendency of the bail application before the Sessions Court, the first informant had filed his affidavit and stated that he was under the wrong impression and had reported the matter to the police. In this respect, the learned Counsel has drawn the attention of this Court towards para 6 of the Order dated 12.1.2022 of the learned Additional Sessions Judge. It is further submitted that this Court has already

granted bail to the co-accused and there is no reason why the Applicant should continue behind bars. It is submitted that the Applicant has no criminal antecedents.

6. Mr A.R.Kapadnis, learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the accused. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against the accused persons.

7. This Court has perused the copy of the charge sheet filed along with the accompanying documents. The applicant has remained behind bars for more than one year. It appears that the Applicant's involvement is alleged based on the WhatsApp chat with the co-accused and his alleged presence at the time of the incident. Nothing was recovered at the behest of the Applicant. The Applicant is just 24 years old. In the Test Identification Parade, the Applicant was not identified by the first informant. There is nothing on record to show that the Applicant has criminal antecedents.

8. In view of the above, the application is allowed in the following terms :

a) The Applicant Anil Chandrakant Bhosale be released on bail in connection with C.R.No.1394 of 2021 registered at Sangola Police Station, Solapur, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.

b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses. The Applicant shall furnish the permanent address and contact details to the Inspector of Police, Sangola Police Station and intimate the change, if any.

c) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

9. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]

