

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1580 OF 2023

Vinayak Patlya Kale

Applicant

Versus

The State of Maharashtra

Respondent

Ms. K. S. Sarin, Advocate for the applicant.

Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 116/2023, registered with Belwandi Police Station, Dist. Ahmednagar, for the offences punishable under Sections 457, 458, 379, 380, 336 read with Section 34 of Indian Penal Code.

2. Raosaheb Pawar gave information to police about occurrence of the incident in the intervening night of 9th April, 2023 and 10th April, 2023. Allegation is that about 4 to 5 unknown persons came to the field of the informant and caused assault on him with stick and stone. Further allegation is that they committed theft of 20 crates of pomegranates. Applicant apprehends arrest as the co-

accused has named applicant to be the one who was accompanying him.

3. Learned counsel for applicant submits that except for the alleged statement of the co-accused, there is no evidence to connect the applicant with the crime in question. By relying upon judgment in case of Sagar Laxman Sonawane vs. The State of Maharashtra, Bom.C.R. (Cri.) 465, it is submitted that such statement is barred under Section 25 of the Evidence Act.

4. Learned APP opposed the application by contending that recovery of the fruits as well as instrument used for opening the lock is yet to be done. Hence, it is not a fit case for grant of anticipatory bail.

5. Record indicates that except for the alleged statement of the co-accused there is absolutely no material on record to show involvement of the applicant in this crime. As rightly been contended by learned counsel for the applicant that statement of co-accused is inadmissible in evidence. In view of this, liberty of the applicant deserves to be protected. For the purpose of effective investigation of

the crime, applicant be directed to appear before the concerned police station. Hence, application is allowed. Applicant is directed to appear before the concerned police station once in a fortnight till filing of the charge-sheet.

(R. M. JOSHI)
Judge

dyb