

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

ANTICIPATORY BAIL APPLICATION NO.135 OF 2023

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Ganesh s/o Haridas Ubale ..Applicant

VS.

The State of Maharashtra ..Respondent

Mr. Nitin Gaware Patil for the Applicant.

Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 395, 365, 170, 323, 504 and 506 of the Indian Penal Code, 1860 in connection with C.R. No.05 of 2022 dated 02/01/2022 registered with Mohol Police Station, Solapur.

3. The applicant is implicated on the statement of the co-accused. The co-accused – Ramkisan Adale stated that he is willing to show the spot where the 'gutkha' is kept. It is pertinent to note that so far as three accused who were

arrested are concerned, they have been acquitted. The applicant is implicated on the basis of the statement of the co-accused - Ramkisan Adale, who has been acquitted. *Prima facie*, there is no other material against the applicant. Considering that by judgment and order dated 12/09/2022 the other accused are acquitted, the custodial interrogation of the applicant in the present case is not necessary.

4. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.05 of 2022 registered with Mohol Police Station, Solapur, the applicant-Ganesh s/o Haridas Ubale shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 20/01/2023 and 21/01/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

(d) The applicant to co-operate with the Investigating Officer.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicant shall furnish the details of his residential address and phone number to the investigating officer.

5. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)