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

CR. ANTICIPATORY BAIL APPLICATION NO. 150 OF 2023

Mr. Sunil Namdev Thombare

@ Bavdhankar

Age : 45 Years, Occupation : Business,

R/o. : Lonand, Taluka : Khandala,

District : Satara, Maharashtra : 415521.

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr.Harshad E. Palwe a/w Mr.Sudip Mallick, Advocate for the Applicant.

Mr.N.B.Patil - APP for the Respondent-State.

Ms.Swati Namdevrao Pawar – Police Sub Inspector – Lonand Police
Station – District : Satara.

CORAM : S. M. MODAK, J.

DATED : 18th JANUARY, 2023

P. C. :-

1. Heard learned Advocate for Applicant and learned APP for the Respondent-State.

2. The Applicant is accused of attempting to commit a murder of his cousin brother Sahebrao Siddhu Thombare. The present Applicant along with his brother Dilip and their father Namdev assaulted the first informant – Sahebrao on 19th December, 2022 in between 11.00 to 12.00 noon. It happened when the first informant was standing in the courtyard of his house. The assailants came on a tractor and luna motorcycle and assaulted the first informant and the motive was the dispute on account of ancestral house. The assailants used iron rod as a weapon.

3. The Lonand Police Station registered an offence bearing C.R.No.409 of 2022 under Sections 307 read with 34 of the Indian Penal Code, 1860 (45 of 1860) [“IPC”].

4. The Police have arrested co-accused Dilip. A plea of *alibi* is taken on behalf of the Applicant. At the material time, Applicant was present in the office of Collector at Pune. In support of that, two sets of documents are filed. One consists of phone calls made to the officers of Lonand Police Station and messages sent and another is the extract of C.C.T.V, footage obtained from the office of Collector.

5. The prayer for anticipatory bail is opposed on behalf of the Prosecution for the reason that the first informant has named this Applicant and there are statements of eye witnesses showing the involvement of the present Applicant. In addition to that, the criminal antecedents of the Applicant and one of the reasons is that plea of *alibi* cannot be considered at this stage. So, we have got the statement of injured and corroborated by certain witnesses as material placed on behalf of the Prosecution on one hand and on the other hand, we have got documents as referred above on the other hand. Learned APP pointed out certain defects in those documents so as to say that the timings on those documents do not match with the timings mentioned by the first informant. According to learned APP, it was very much possible for the Applicant to go to Pune from Lonand considering the distance.

6. Even though, it is true that the Applicant-accused has relied upon certain documents as referred above, there are certain areas on the basis of which, it is difficult at this stage to connect them with the timing of the offence. As against this, Applicant has been named by the first

informant and other eye witnesses. So, papers disclose prima facie involvement of the Applicant. Hence, anticipatory bail cannot be granted.

7. Hence, it is rejected.

(S. M. MODAK, J.)