

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1046 OF 2021

Bhaiyyasaheb Viju @ Vrushabh Vijay Sonavane ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Raviraj Paramane for the Applicant.

Ms. Veera Shinde, APP for the State.

PSI A.G. Pawar, Alephata Police Station, Pune Rural, present.

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CORAM : N.R. BORKAR, J.

DATED : 30 JANUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 7 of 2021 registered at Alephata Police Station, Pune (Rural) for the offences punishable under Sections 326, 504, 506 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. On 9 April 2021, this Court passed the following order :

“Heard. Investigating officer is present with record.

2. Apprehending arrest in connection with Crime No.07/2021 registered with Alephata Police Station, Pune (Rural) for the offences punishable under Sections 326, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, applicant is seeking pre-arrest bail.

3. It is applicant’s contention that he has been falsely implicated in the case. In support of his contention, applicant has submitted CCTV footage to the Investigating Officer. The contention is that on 10th January, 2021 at about 7.30 pm, when the incident had occurred, he was in a temple, one kilometer away.

4. Mr. Saste, the learned Additional Public Prosecutor for the State submits that officer had verified the CCTV footage submitted by the applicant. It is submitted that at or around the time of the alleged incident, applicant was near the temple. Mr. Saste submitted that temple is just 1 km away and, therefore, it cannot be said that applicant could not have reached the spot of the incident.

5. Be that as it may, the statements of the victim’s mother and brother, suggest that when the incident was reported to them, they had been to the place of the incident and had seen accused no.1 Ajinkya was assaulting the complainant. Inconsideration of the statements of these two witnesses, a case is made out to grant interim pre-arrest protection to the applicant.

7. Thus, in the event of arrest of the applicant in Crime No. 07 of 2021 registered with Alephata Police Station, Pune (Rural), he shall be released on executing PR bond for the sum of Rs.20,000 with one or more sureties in like sum.

8. The applicant shall join the investigation as and when called and required by the Investigating Officer.

9. *The applicant shall furnish his permanent residential address and contact number to the Investigating Officer on or before 10th April, 2021.*

10. *The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.*

11. *Stand over to 4th May, 2021 for further consideration.”*

5. I have perused the statement of eye-witnesses. They have not attributed any role to the present applicant in the alleged incident. Considering the overall facts and circumstances, I am inclined to allow the present application. In the result, following order is passed :

- (i) Interim order passed by this Court dated 9 April 2021 is hereby confirmed.
- (ii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iii) The application is disposed of.

(N.R. BORKAR, J.)

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DHURI

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