

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 1655 OF 2023

Mohini Mahendra Rakshe ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Ashish V. i/b S. Deshpande, for Applicant.

Mr. M. G. Patil, APP for State.

Mr. D. N. Raut, PSI, Khed Police Station, present.

CORAM:- N. J. JAMADAR, J.

DATED:- 12th OCTOBER, 2023

PC:-

1) Heard the learned Counsel for the applicant and the learned APP for the State.

2) This is an application for pre-arrest bail in connection with C.R. No.437 of 2023, registered with Khed police station, Pune Rural, for the offences punishable under Sections 435, 427 and 379 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) When the application was listed before the Court on 14th June, 2023, this Court was persuaded to grant interim bail. Prima facie the allegations appear to be that of theft of the CCTC cameras and causing mischief by fire to the scooter. All the offences except the offence punishable under Section 379 of the Penal Code appear to be bailable.

4) I have perused the Panchanama of the scene of occurrence. *Prima facie* it does not appear the case would fall within the ambit of Section 436 of the Penal Code. The applicant is sought to be roped in on the basis of alleged utterances of the co-accused while fleeing away, after causing mischief by fire.

5) The Court is informed that CCTV camera has been recovered at the instance of the co-accused, who was arrested. There is material to indicate that relations between the first informant and the applicant are strained as the son of the first informant is accused of having committed the murder of the brother of the applicant.

6) In the aforesaid view of the matter, I am persuaded to make the order of interim bail absolute.

7) The order of interim bail dated 14th June, 2023 is made absolute on the terms and conditions incorporated therein.

- 8) The applicant shall henceforth appear before the Investigating Officer as and when directed.
- 9) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 10) The application stands disposed.

[N. J. JAMADAR, J.]