

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3169 OF 2022

Shivraj Rambhau Sonvane ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Priyal Sarda for the Applicant.

Ms. Veera Shinde, APP for the State.

PSI Anil Binowade, Mundhwa Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 11 JANUARY 2023

P.C. :-

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

2. This Court on 17 November 2022 has passed the following order :

“1. Heard Mr. Sarda, learned Counsel for the applicant and Mr. Patil, learned APP for State. Mr. Patil, seeks time for instructions.

2. Apprehending arrest in connection with Crime No.284/2022 registered with Mundhwa Police Station, Pune for the offences punishable under Sections 307, 323, 143, 144, 147, 149, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 37(1)(c) read with Section 135 of the Maharashtra Police Act and under Section 4(25) of the Arms Act, applicants are seeking pre-arrest protection.

3. *Prosecution case is that, applicant being member of unlawful assembly in prosecution of common object, attempted to assault the complainant by deadly weapons. The alleged incident arose on account of dispute over bursting of the fire crackers. In any case, it appears from the complaint that, the complainant did not sustain any injury. This fact has been taken note of by the learned Additional Sessions Judge, in his order by which the pre-arrest protection was refused.*

4. *Mr. Patil, learned APP seeks time to verify the accusation and the role attributed to the applicant, if any surfaced in the course of the investigation. Time granted. Stand over to 14th December, 2022.*

5. *In the meanwhile, in the event of arrest of the applicant in Crime No. 284/2022 registered with Mundhwa Police Station, Pune he be released on bail on executing P.R.Bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one or more local sureties in the like amount.*

6. *Applicant shall report to the Investigating Officer on 24th and 29th November, 2022 and 1st December, 2022 between 11:00 a.m. to 1:00 p.m.*

7. *Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.”*

3. I have perused the First Information Report. Though according to the complainant, the present applicant and other co-accused tried to assault him by sword, iron pipe etc. and attempted to commit his murder, still no report was lodged for more than thirty six hours. Apart from it, complainant did not sustain any injury. According to the complainant, the applicant assaulted to his aunt also. I have perused her injury certificate and injury is blunt trauma to her neck. The learned APP submits that the applicant is involved in two more crimes. However,

considering the overall facts and circumstances of the case, I am inclined to allow the present application. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) Interim order passed by this Court by order dated 17 November 2022 is hereby confirmed.
- (iii) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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Date: 2023.03.15
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