



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 ANTICIPATORY BAIL APPLICATION NO. 585 OF 2024

DATTA @ DATTATRAYA SHIVRAM SONAWANE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bhide Vinod Y.
APP for Respondents-State : Ms. P. R. Bharaswadkar.

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CORAM : S. G. MEHARE, J.

DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondents-State.
2. The applicant seeks anticipatory bail in Crime No.807 of 2023, registered with Akole Police Station, District Ahmednagar, for the offences punishable under Sections 302, 452, 427, 143, 144, 147, 148, 149 of the IPC.
3. Learned counsel for the applicant would submit that a false report has been lodged against the applicant. The applicant did not play an active role in the crime. He was at his home. The police never came to him for inquiry or for his arrest. One fine morning, the police filed charge sheet under Section 299 of the Cr.P.C. The other co-accused informed him

that he has also been named in the charge sheet. However, shown absconding. Then, he approached the Sessions Court. Similarly situated co-accused have been granted bail.

4. Learned counsel for the applicant would further argue that even if the FIR is accepted as it is, he cannot be arraigned as an accused. The deceased did not die due to the so called acts of the applicants. Nothing is to be recovered from the applicant. He is ready to co-operate with the investigation.

5. Learned APP would argue that the offence is serious. The applicant has played an active role. However, she has no explanation or material to satisfy the Court that after the crime was registered, police made an attempt to arrest the applicant. In this situation, it cannot be said that the applicant was avoiding the investigation.

6. It seems that charge sheet under Section 299 of the Cr.P.C. has not been correctly filed against the applicant. The allegations levelled against him is that he was present on the spot and beat the deceased by kicks and blows. There is no possibility of recovery of any weapon from him.

7. In the circumstances, though the offence is serious and the failure of police to arrest him, the applicant deserves pre-arrest bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, applicant **DATTA @ DATTATRAYA SHIVRAM SONAWANE**, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like, on the following conditions :
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the Police Station as and when called on written notice by the Investigating Officer.
 - (c) He shall furnish his residential proof and cell phone number with an undertaking that he would not change it till conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-