

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

ANTICIPATORY BAIL APPLICATION NO. 2655 OF 2023

VISHAL
SUBHASH
PAREKAR

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Date: 2024.07.11
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Sachin S/o Subhash Yewate And Ors ...Applicants

Versus

State Of Maharashtra ...Respondent

Ms. Seema S. Dighe i/by Mr. Anant R Devakate for the Applicants.

Mrs. Mahalaxmi Ganapathy, APP for the Respondent – State.

HC Sandip Giramkar, Tembhurni Police Station.

CORAM : N. J. JAMADAR, J.
DATE : 9th JULY 2024

PC.:

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

2. By an order dated 21st September 2023, this Court was
persuaded to grant interim bail observing, *inter alia*, as under:-

“2. This application is preferred seeking pre-arrest bail in connection with C.R. No.337 of 2023 registered at Tembhurni police station for the offences punishable under sections 327, 326, 363, 365, 323, 143, 147, 149, 452, 504 and 506 of Indian penal Code, 1860 and sections 3 read with 25 of Arms Act and section 3 of Prevention of Damage to Public Property Act, 1984.

3. The first informant lodged the report with the allegations that on account of dispute over the election to Agricultural Produce Market Committee, Paranda, the first informant and the members of his panel were assaulted and abducted with a view to influence the casting votes. The first informant has named seven members of the unlawful assembly in prosecution of the common object of which the offences were allegedly committed. In addition, the first informant alleged there were 30-35 unknown persons.

4. Learned APP fairly submits that the applicants are not named as accused in the first information report. Learned APP seeks time to take instructions as investigating officer is not present.”

3. The learned APP, on instructions, submitted that during the course of investigation, complicity of the applicants has been revealed in the statement made by the co-accused.

4. It is trite, statement of a co-accused is not legal evidence.

5. Having regard to the nature of the accusation and the material pressed into service against the applicant, I am inclined to make interim order absolute on the terms and conditions incorporated therein. Hence, the following order:-

ORDER

(i) Order dated 21st September 2023 is made absolute on the terms and conditions incorporated therein.

(ii) In addition, the applicant shall appear before the Investigating Officer as and when directed.

(iii) In the event charge-sheet is lodged, the applicant shall regularly appear before the Jurisdictional Court.

(iv) Application stands disposed off.

(N. J. JAMADAR, J.)