

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

ANTICIPATORY BAIL APPLICATION NO.249 OF 2024

Pravin Sanjay Mane

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Saurabh D. Butala, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.16/2023 dated 26/02/2023, registered with Mandva Coastal Police Station, Raigad, under sections 143, 147, 148, 149, 307, 385, 323 of the Indian Penal Code, under sections 25, 3(1) of the Arms Act and under section 37(1), 37(3), 135 of the Maharashtra Police Act.

2. Heard Mr. Saurabh D. Butala, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Mahendra Berde on 26/02/2023. He has stated that he was working as a supervisor at village Aagarsurve at a private bungalow site. The bungalow was being constructed by the Parth Constructions. On 25/02/2023 at about 04.30 p.m. about 10 to 15 persons came to the site in one Innova car and one Crysta car. He knew Mayuresh Gambhir and Laveshe Kopardar out of them. Mayuresh demanded Rs.25,00,000/- and also told that Laveshe should be given the entire work for the site. He asked the informant to arrange the money from the owner of the construction company. Mayuresh removed a revolver and unlocked it. He threatened to pull the trigger. Others accompanying him slapped the informant on his face and back. After that, all of them left from that place. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that one Amit Patil who is similarly placed, is granted anticipatory bail by the Additional Sessions Judge, Raigad. He submitted that the

Applicant is not named in the FIR. There is no material against the present Applicant connecting him with the offence.

5. Learned APP produced the investigation papers before me. She submitted that the Applicant was responsible in arranging one of the vehicles in which the accused had come to the spot. She relied on the statement of one Sachin to support this contention.
6. I have considered these submissions and I have perused the investigation papers. The informant's case is supported and corroborated by other witnesses but they have also not named the present Applicant. The only relevant statement at this stage against the present Applicant is that of the vehicle owner Sachin. He was owning the Innova car bearing No.MH-46-N-1774. He had parked that car near the house of his friend Amit. The prosecution case is that the said car was used in going to that spot. Sachin has stated that Amit told him that he had given that car to the present Applicant on rent. This is the only statement

making reference to the Applicant's name. However, the investigating agency has not recorded the statement of Amit. Therefore, at this stage, there is only vague allegations against the present Applicant. The investigation does not reveal as to how the main accused ultimately got possession of that particular vehicle. At this stage, the allegations against the Applicant are vague. The main allegations are against Mayuresh and Laves. It is not the prosecution case, at this stage, that the Applicant was one of the 10 to 15 persons who had accompanied them. Another accused Amit who was also not named in the FIR, but allegedly was present amongst those 10 to 15 person is granted anticipatory bail. Therefore, on parity also, the Applicant deserves the same protection. Considering this discussion, the Applicant can be protected u/s 438 of Cr.P.C. The Applicant will have to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.16/2023 dated 26/02/2023, registered with Mandva Coastal Police Station, Raigad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)