

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2766 OF 2023

Sunil Bhimsen Marathe ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Sudeep Pasbola a/w. Sankalp Vichare, for the Applicant
Smt. Ashwini Takalkar, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 04, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 172 of 2022 registered at CBD, Navi Mumbai police station for the offences punishable under sections 120-B, 420, 406, 402, 395, 170 and 201 read with 34 of Indian penal Code, 1860.

3. From the perusal of the report under section 173 of the Code of Criminal Procedure, 1973, it becomes evident that the role attributed to the applicant in the supplementary statement of the first informant is that of assisting the co-accused instead of the first informant.

4. I have also perused the order passed by the learned Additional Sessions Judge. It appears that the learned Additional

Session Judge was persuaded not to exercise the discretion in favour of the applicant as there were telephonic conversations between the applicant and the co-accused.

5. The learned APP seeks time to take instruction as the investigating officer, who is present in the Court, has recently been entrusted with the investigation.

6. Prima facie, it appears that the role of the applicant is that of assessor after the act. The Court is informed that the applicant has been suspended from police service.

7. In the circumstances, post the matter on 12th October, 2023.

8. In the meanwhile, in the event of arrest in C.R. No.172 of 2022 registered with CBD, Navi Mumbai police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

9. The applicant shall cooperate with the investigation and attend CBD, Navi Mumbai police station, on 7th and 9th October, 2023 in between 10 am to 12 noon till the next date.

10. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant or any of the prosecution witnesses.

Stand over to 12th October, 2023.

(N. J. JAMADAR, J.)