

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.822 OF 2015**

Manoj Sadashiv Pol ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.S.P. Kadam for the Applicant  
Mr.Arfa Sait, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 12, 2015**

**P.C.:**

1. Not on Board. Upon mentioning, taken on Board.
2. This application is directed against the rejection of application for interim relief by the learned Additional Sessions Judge, Waduj on 8.6.2015. A police constable, who was an escort of the father of the applicant/accused, was assaulted by the applicant/accused and his associates. The incident has taken place on 25.10.2009 and the offence was registered at C.R. No.95 of 2009 at Dahiwadi police station, Satara. The learned Counsel for the applicant/accused has submitted that though the case is pending since 2009, the police did not bother to investigate this matter and now suddenly they have arrested one of the accused persons and, therefore, the applicant/accused apprehends arrest. It is submitted

that there were cross complaints. The father of the applicant/accused had given FIR on the date of the assault i.e., on 25.10.2009 and the offence was registered at C.R. No.92 of 2009 at Dahiwadi police station, Satara. However, the present complainant waited for 3 days and approached the police and gave FIR on 28.10.2009. It is submitted that the complaint is false and it is the outcome of a political rivalry and he prays for an interim protection as the main application under section 438 of the Criminal Procedure Code is posted for final hearing before the additional Sessions Judge, Waduj on 16.6.2015. He further submitted that a CID enquiry was conducted in this matter and in the said CID enquiry, it was revealed that on the relevant date, the applicant was at Phaltan and was not present in Dahiwadi.

3. Learned Prosecutor has opposed this application and has submitted that the case is of 2009 and the investigation was suppressed because of the political pressure. He further submitted, on telephone instructions from the Investigating Officer, that the complaint filed by the father of the applicant/accused is now reported as 'B' summary and thus, as on today, this complaint stands as true case pending against the applicant/accused.

4. Perused the FIR. The order passed is a reasoned order and the view taken by the learned Additional Sessions Judge that the medical certificate of constable Tembre, the complainant, would be crucial material

to decide whether *prima facie* material is present against the applicant/accused or not, is correct.

5. In view of the above, the Anticipatory Bail Application is rejected. The learned additional Sessions Judge shall hear and decide the matter finally on 16<sup>th</sup> June, 2015.

**(MRS.MRIDULA BHATKAR, J.)**