

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO. 47 of 2015

Vijay Laxman Chougule ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Shirish Gupte, senior counsel a/w Mr. Roshan S. Salunke,
Mr. Ganesh Gole and Anil Joshi for the Applicant
Mrs. A.A. Mane, APP, for the Respondent -State.
Ms Meera Bansode, SrPI., CBD Belapur police station, present.

CORAM: P.D. KODE, J.

DATED: JANUARY 30, 2015.

PC:

For the detailed reasons recorded in the order dated 13.1.2015 the Applicant has been granted ad-interim pre-arrest bail in connection with Crime No.162 of 2014. Order reveals that the said direction was given in view of the material collected during the investigation not excluding the possibility of theory of consensual sex.

2. In pursuant to the notice of the application issued the prosecution has not filed say. Learned APP now tenders copy of say in the Court which is marked 'X' for identification and has objected to confirm ad-interim protection on the count of Applicant being influential person and there being every danger of himself

destroying the evidence. It is difficult to accept the said submission as the crime in question was registered on 17.12.2014 and as such investigating agency had sufficient time to collect the said evidence. Similarly, merely because the Applicant is said to be an influential person the relief of pre-arrest bail cannot be denied to it without there being any material of himself having indulged in an activity of intermingling with the investigation and /or threatening witnesses including the victim or her relatives. Even the say filed by the prosecution does not show any imperative need of custodial interrogation of the Applicant for the sake of investigation.

3. Hence, the application is allowed. The ad-interim protection given to the Applicant is hereby confirmed on earlier terms and conditions with the addition that the Applicant shall not attempt to come in contact with the victim or her relatives.

(P.D. KODE, J.)