

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO.105 OF 2015

Kailash Vishwanath Nikale ... Applicant

Vs

The State of Maharashtra ... Respondent

Mr. Prakash Naik i/b Mr. Pawan Mali for the Applicant

Mrs. G.P. Mulekar, APP, for Respondent -State.

Mr. Kamlakar. G. Ghosalkar, PI, Kasara Police Station, present.

CORAM: P.D. KODE, J.

DATED: FEBRUARY 6, 2015.

PC:

Heard. For the detailed reasons mentioned in the order dated 22.1.2015 ad-interim direction in terms of section 438 of Cr.PC. has been given in favour of the Applicant. Prosecution in response to notice has tendered detailed reply in the Court which is marked 'X' for identification.

2. Perusal of the reply prima facie does not reveal any cogent reasons, repelling the reasons recorded in the order dated 22.1.2015 for which the ad-interim direction was given.

3. Learned APP by laying fingers upon the statement of Kiran Vitthal Kankoshe submitted that statement of Kiran reveals

the role played by the Applicant of having used the iron rod for assaulting on the left leg of the said witness. It is submitted that having regard to the said material custodial interrogation would be necessary. Apart from the fact that the statement of said Kiran recorded on 3.2.2015 i.e. one month after the incident, even accepting the matters therein as it is, still it is difficult to perceive as to how the custodial interrogation of the Applicant is necessary for completion of the investigation.

4. Resultantly, ad-interim direction given is hereby confirmed on earlier terms and conditions. However, the Applicant shall not enter the area of village Shirole and inform his place of abode to the I.O. and shall attend the local police station for such area on every Monday instead of every alternate day, until further orders. The Application accordingly stands disposed of.

(P.D. KODE, J.)