

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.672 OF 2016

Snehasis Batabyal ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mr.D.S.Joshi, Advocate for the Applicant.
Mr.H.Kar i/b. interjuris, Advocate for the original complainant.
Mr.S.H.Yadav, APP for the Respondent/State.
Mr.Vishnu Janaba Dorugade, PSI, Powai Police Station.

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CORAM : P. N. DESHMUKH J.

DATED : 7th JUNE 2016.

P.C.

1. Heard the learned counsel for the parties. This application is filed for grant of anticipatory bail for the offence punishable under Sections 498(A), 323, 504, 506 r/w. 34 of the Indian Penal Code registered by Powai police station vide Crime No.618 of 2015. According to the learned counsel for the applicant his application was rejected by the learned Sessions Judge on the ground that the applicant after registration of offence fled away to United States of America leaving behind his wife and minor child, which speaks of his non-intention to cooperate with the Investigating Agency.

2. The offence is registered on 28/12/2015. This Court granted interim protection to the applicant by its order dated 15/04/2016 with directions to attend the Investigating Officer on 20th, 21st and 22nd April 2016, which directions are admittedly complied with as stated by the learned Additional Public Prosecutor on obtaining instructions.

3. According to the learned counsel for the applicant, applicant, who has resigned his job in America, is now permanently back in Mumbai. The learned Additional Public Prosecutor states that presence of applicant is necessary for the purpose of interrogation with reference to some incident occurred in the year 2011, involving the applicant as an assailant in said crime.

4. Heard Mr.H.Kar, the learned counsel for the complainant, who has opposed the application on the same lines as opposed by the learned Additional Public Prosecutor.

5. Having considered the facts involved, as aforesaid, the application is, thus, liable to be allowed by imposing suitable condition upon the applicant.

6. The interim orders passed on 15/04/2016 are confirmed on imposing following conditions.

- (i) Applicant shall attend the Investigating Officer, as and when called till the filing of charge sheet.
- (ii) Applicant shall not leave India without intimating to Investigating Officer.

(P. N. DESHMUKH J.)