

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1147 OF 2016

Bhau Jaitu Nipurte Vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Sachin Deokar for the applicant.
Smt. N.S. Jain APP for the Respondent-State.
Mr Kedar Patil for the Intervener.

CORAM : A.S.GADKARI, J.
DATE :- 27th September, 2016

P.C.

- 1) Heard the learned counsel for the applicant, the learned counsel for the original complainant at length, the learned APP at length and also perused the documents annexed to the present application.
- 2) The learned counsel for the applicant submitted that for the sake of argument even if the contents of the first information report are taken as it is and at its face value, it will reveal that it is an exaggerated version of the complainant and the first information report is lodged after the delay of about three years. He further submitted that the applicant has been granted interim relief by an order dated 18/7/2016 and in pursuance of the said order the

applicant has attended the Investigating Officer and cooperated during the process of investigation. He further submitted that the custodial interrogation of the applicant is not necessary and the applicant may be granted pre-arrest bail.

3) Mr Patil, the learned counsel appearing for the original complainant vehemently opposed the application and placed his reliance in the case of *Apparel Export Promotion Council v. A.K. Chopra* reported in (1999) 1 Supreme Court Cases 759 and submitted that in the present case the place of incident is the work place of the applicant and the complainant and therefore the delay in lodging the said first information report has to be construed liberally. He further submitted that if the applicant is granted pre-arrest bail that there is every possibility that the applicant may further harass the original complainant. The learned APP also supported the arguments of the learned counsel for the original complainant.

4) After perusing the entire record annexed to the application, prima facie it appears that the first information report is lodged belatedly and after a lapse of about three years. It further appears that there is substance in the contention of the learned counsel for the applicant, recorded herein above. The record reveals that the applicant has attended the investigating officer on stipulated dates in pursuance of the order passed by this Court and the custodial interrogation of the applicant is not

necessary.

5) In view of the above, the applicant has made out a case for his release on pre-arrest bail.

Hence, the following order :-

- (a) The interim relief granted by an order dated 18/7/2016 is hereby confirmed; However, the applicant shall attend the Investigating Officer as and when called for till filing of the charge-sheet;
- (c) The applicant is further directed not tamper with the evidence and / or influence the prosecution witnesses;
- (d) The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)