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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 519 OF 2017

Avi Deepakbhai Patel

..Applicant.

Vs.

State of Maharashtra

..Respondent

Mr. V.S. Lakshnann a/w Santosh Bhamre for Applicant.

Mrs. P.P. Shinde, APP for State.

Mr. N.B. Gaikwad, API, Kashimeera Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 18th April 2017.

P.C.

1] By an Order dated 31st March 2017, the applicant was granted interim relief.

2] Heard the learned Counsel for the applicant and the learned APP. I have perused the documents annexed to the application and the papers of investigation.

3] It is the prosecution case that, the co-accused namely Hitesh Patel was in possession of illegal weapon i.e. Pistol. The said Pistol was loaded with cartridges. That the applicant and Hitesh tried to maintain the

possession of the same and while applicant tried to snatch it, the said fire-arm got fired and one of bullet hit the stomach of the applicant. The applicant thereafter lodged the first information report by giving some fictitious reasons and by narrating false story to the police. In the premise the first information report is lodged.

4] It is to be noted here that, the applicant was accompanying accused No.2 Hitesh Patel who was in the possession of the said illegal fire arm and not the applicant. The record reveals that after applicant sustaining the said injury in his stomach, was admitted to the hospital. That the applicant was very much available in the intervening period to the police for interrogation and for his custody.

5] In view thereof, this Court is of the view that, the custodial interrogation of the applicant for further investigation is not necessary.

Hence, the following Order:

(i) The interim relief granted by an Order dated 31st March 2017 is hereby confirmed.

(ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 2.00 p.m. and to join the process of investigation till the submission of chargesheet. It is needless to mention that before calling the applicant to the police station, the Investigating

Officer shall issue notice under Section 160 of Cr. P.C. to the applicant specifying the date and aforesaid time.

6] The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)