

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1488 OF 2016

Sanjay Jhunjhunwala Vs. The State of Maharashtra

**Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.**

Court's or Judge's orders

Mr. Kamlesh Mishra i/b Law Juris for Applicant.
Ms. Jyoti S. Lohakare, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 29th March 2017.

P.C.:

- 1] By an order dated 26th August 2016, the applicant is protected by interim relief. The reasons for granting interim relief have been mentioned in the said Order.
- 2] The learned APP on instructions submitted that in pursuance of order dated 26.8.2016, the applicant has attended the Investigating Officer, however, he did not produce the stick, which is the weapon of assault in the present crime.
- 3] I have perused the record produced by the learned APP and papers annexed to the application. It is to be noted here that, neither in the first information report dated 20.8.2016 nor in the supplementary statement of the complainant dated 23.8.2016, it is stated that the applicant carried the said stick with him while leaving the premises of the complainant. As

observed in the earlier in Order dated 26.8.2016, the complainant in her supplementary statement dated 23.8.2016 has further alleged an offence as contemplated under Section 354 of the Indian Penal Code and I am of the opinion that the complainant in her supplementary statement has improved her version. It appears that the weapon i.e. stick picked up from the house of the complainant was dropped there only after the alleged assault. In view thereof, I find that there is no need of the custodial interrogation of the applicant at the hands of the police for recovery of alleged weapon.

4] In view of the above, interim relief granted on 26.8.2016 is hereby confirmed.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)