

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 768 OF 2017

Kiran Ramakant Pawar & Ors. **... Applicants**

V/s.

The State of Maharashtra **... Respondent**

Mr. P.A. Mishra i/b R.C. Mishra for the Applicants.

Ms. A.A. Takalkar, APP for the Respondent/State.

Ms. Prabha Badadare for the Respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 24th FEBRUARY, 2018

P.C.:

. By an Order dated 28.04.2017, the Applicants were granted interim relief.

2 Heard the Learned Counsel for the Applicant, the learned APP and perused the record of investigation.

3 After notice to Respondent No.2, she has appeared through an Advocate and has filed affidavit dated 24.07.2017. In paragraph No.9 of the said affidavit, it is stated that after grant of interim protection by this Court, the Applicant No.1 threatened and assaulted her and therefore, N.C. complaint bearing No. 2286 under Sections 323, 504, 506 of the Indian Penal Code has been registered with Kurar Police Station.

4 In view thereof, the Applicant No.1 is not entitled for any further

protection of pre-arrest bail. The present application as qua Applicant No.1 is accordingly rejected.

5 As far as Applicant Nos. 2 to 4 are concerned, they are in-laws of first informant Smt. Pooja Pawar. After taking into consideration, the allegations made against them in FIR and in view of the ratio laid down by the Supreme Court in the case of *Arnesh Kumar v/s. State of Bihar, reported in (2014) 8 SCC 273*, the Applicants are entitled to be protected by pre-arrest bail.

Hence, the following order:

- i) The application of Applicant No.1 Kiran Pawar is rejected.
- ii) As far as Applicant Nos. 2 to 4 are concerned, interim relief granted by Order dated 28.04.2017 is hereby confirmed.
- iii) Application is partly allowed in the aforesaid terms.

(A.S.GADKARI, J.)