

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

**ANTICIPATORY BAIL APPLICATION NO.672 OF 2019**

|                       |    |            |
|-----------------------|----|------------|
| Kishor Narsaiyya Gaud | .. | Applicant  |
| Vs.                   |    |            |
| State of Maharashtra  | .. | Respondent |

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Mr.Vikas B. Shivarkar for the applicant.  
Mr.A.R. Kapadnis, APP for respondent-State.  
Mr.N.B. Gite, PSI, Satara Taluka Police Station, Satara.

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**CORAM : P.N. DESHMUKH, J.**  
**DATE : 9<sup>th</sup> April 2019**

**P.C.:**

. Heard learned counsel for applicant and learned counsel for APP. Perused case diary. Investigating Officer is present.

2. Applicant is protected by interim order of this Court observing that in report, applicant's involvement is based on statement of co-accused and by further observing that trial Court had refused to grant police custody to other co-accused as there was no document establishing their involvement in the present crime.

3. Today, learned APP, on instructions, makes a statement that there is no independent evidence against applicant except for his

involvement on the basis of statement of co-accused person. Only ground raised by learned APP is that house where the alleged preparation of artificial toddy was in progress was owned by one Nikam who had rented out same to applicant. However, no document is on record establishing above fact, as according to prosecution, it was an oral agreement. In view of limited evidence as above, interim order in force is liable to be confirmed by imposing conditions as follows :-

***ORDER***

- (i) Interim order dated 18<sup>th</sup> March 2019 stands confirmed with a direction to applicant to attend Investigating Officer on the 1<sup>st</sup> day and 15<sup>th</sup> day of each such month between 11.00 a.m. to 2.00 p.m. till filing of charge-sheet;
- (ii) Application stands disposed of in above terms.

***P.N. DESHMUKH, J.***