

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

ANTICIPATORY BAIL APPLICATION NO. 1798 OF 2018

Aniket Ashok Tapase	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Kuldeep S. Patil a/w Mr. Shailesh Chavan, Ms. Saili Dhuru for the Applicant.

Mr. A.R. Kapadnis, A.P.P. for the Respondent – State.

Mr. Satish M. Pawar, A.P.I. Satara City Police Station, present.

CORAM : P.N. DESHMUKH, J.

DATED : 10th APRIL, 2019.

P.C. :

1 Heard learned Counsel for applicant and learned A.P.P. Admittedly, charge-sheet in this crime is filed. Applicant is protected by interim order dated 05.09.2018 with directions to attend Investigating Officer, which condition is admittedly complied with.

2 Learned A.P.P., on instructions, submits that Innova car involved in this crime is yet to be seized. Learned Counsel for applicant submits that no vehicle much less Innova is owned by applicant. While granting interim protection this Court observed that in the statement of Alfaj Pathan recorded on 04.02.2018, applicant is nowhere involved who

came to be involved in supplementary statement recorded after two months alleging that applicant was driving Innova car in which he was taken to a Dhaba. Considering the fact that no such statement was made at the first opportunity in the statement recorded on 04.02.2018, applicant is found entitled for interim protection on this Court. Perusal of F.I.R. would indicate that the main allegations are against co-accused Khandu Dharashivkar and others and only allegations against applicant is that in the year 2017, while witness Azim had visited Police Station to lodge report against co-accused Khandu, his associate Balu Khandare had forcibly taken him in one Innova car to Dhaba which car is stated to be driven by applicant, as stated in the subsequent statement of Alfaj Pathan,

3 Having considered facts involving applicant as aforesaid and as investigation is complete, merely because no car is seized which admittedly is not owned by applicant, is no ground to reject the application. In the circumstances, following order is passed :

ORDER

Order dated 05.09.2018 stands confirmed.

Application is disposed of as allowed.

(P.N. DESHMUKH, J.)