

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**Criminal Anticipatory Bail Application No. 774 of 2020
(Criminal Anticipatory Bail Application (St.) No. 2481 of 2020)**

Kisan Laxman Jadhav ... Applicant
Vs.
State of Maharashtra & Anr. ... Respondents

Mr. Ritesh M. Thobde, for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent - State.

CORAM : C. V. BHADANG, J.

**DATE : NOVEMBER 25, 2020
(Through Video Conference)**

PC :

1. The applicant is apprehending arrest in connection with investigation of C. R. No. 323 of 2020 registered with Salgar Vasti Police Station, district Solapur.

2. On 28th September, 2020 interim protection was granted to the applicant. Today, on hearing the learned counsel for the applicant and the learned APP and on perusal of record, it appears that in the complaint filed by Pravin Jadhav, no specific role or overt act is attributed to the applicant except that he was instigating the other accused in the manner of the assault. It further appears that there was CCTV footage, which was available and has been seized. Therefore, the application was adjourned to enable the learned APP to take

instructions and verify whether the CCTV footage shows presence of the applicant.

3. The learned APP after taking instructions and referring to the reply filed by the IO before the learned Sessions Judge points out that the applicant is not seen in the CCTV footage. The learned APP submitted that there are antecedents.

4. Prima facie there are no allegations of overt act and the applicant is not seen in the CCTV footage. In the context of these two circumstances, the contention on behalf of the applicant of false implication has to be considered. In this case, the investigation is complete and charge-sheet is filed. The learned APP submitted that the applicant has complied with the condition of attendance and cooperated with the investigating agency. Considering the overall circumstances, I find that the order granting interim protection can be confirmed.

5. In the result, the following order is passed.

ORDER

- (i) The criminal application is allowed.
- (ii) The interim protection granted by order dated 28th September, 2020 is hereby made absolute.
- (iii) The applicant shall continue to attend the concerned police

station once in two weeks till framing of the charge.

- (iv) The applicant shall not directly or indirectly make any attempt to contact, coerce, threaten or otherwise tamper with the prosecution evidence / witnesses.
- (v) In the event of breach of any of the conditions, the bail is liable to be cancelled.
- (vi) The criminal application is disposed of in the aforesaid terms.

Sd/-
C. V. BHADANG, J.