

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 ANTICIPATORY BAIL APPLICATION NO.1396 OF 2021

PRITESH GOVARDHAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S.G. Kawade and Mr.M.B. Gadhe, Advocates for applicant.
Mr. A.S. Shinde, A.P.P. for respondent – State.
Mr. S.R. Rathod, A.S.I. present from Chikalthana Police Station.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 04-12-2021

ORDER :

1. This is an application under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C."). The applicant is apprehending arrest in Crime No. 475 of 2021 registered with Chikalthana Police Station, Aurangabad for the offence punishable under Section 363 read with Section 34 of the Indian Penal Code. The First Information Report was registered on 7th October 2021.

2. The applicant had preferred application for anticipatory bail before the Sessions Court which has been rejected on the ground that the said application is not maintainable since the offence is bailable.

3. The exceptional factual aspect of this matter is that, the co-accused Krushna Mangilal Pawar was arrested in this crime by the police and he was produced before the Court. Although the

offence is bailable, he was produced for remand before the Court and he was remanded to P.C.R. He preferred application for bail under Section 437 of Cr.P.C. He was granted bail by order dated 14th October 2021.

4. It is, in these circumstances, the applicant apprehends that similar mode would be adopted quo applicant and there is every likelihood that he would be arrested and remanded to custody.

5. Learned A.P.P. submitted that it is not disputed that the offence is bailable. Proper procedure in accordance with Section 436 of Cr.P.C. would be followed in this case. The applicant should co-operate with investigation by attending the Investigating Officer. In the event the applicant is arrested and furnishes bail bond, he would be immediately released on bail.

6. In the light of the submission of learned A.P.P., the application is disposed of. It is expected that procedure contemplated under Section 436 of Cr.P.C. shall be mandatorily followed.

7. The application stands disposed of.

(PRAKASH D. NAIK, J.)