

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

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2021.11.17
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ANTICIPATORY BAIL APPLICATION NO.1857 OF 2021

1. Aftab Wahid Khan
2. Shahwez Aftab Khan Applicants

Vs.

The State of Maharashtra Respondent

Ms. Anjali Awasthi for Applicants.
Ms. A.A. Takalkar, APP for State of Maharashtra.
Mr. Ajay Bhise for Intervenor.

DCP, Mr. Vivek Pansare, PI Mr. Vikas Ramugare,
ACP Mr. Vinayak Vast, API Mr. Sumedh Khopikar present.

**Coram : NITIN W. SAMBRE, J.
Date : 15TH NOVEMBER, 2021**

P.C.:

1. The applicants are father and son, who are seeking pre-arrest bail in Crime No. 252 of 2021, registered with APMC Police Station, Navi Mumbai for the offence punishable under Sections 323, 326, 397, 143, 147, 148, 149, 141 of Indian Penal Code.

2. Both the applicants are specifically named in the offence in question with a specific overtact i.e. use of weapon like bamboo, iron rod and knife.
3. The applicants claim that at the relevant time, they were not present at the spot of offence, whereas they were busy with their business activity i.e. wholesale fruit business and were falsely implicated. It is also claimed that business rivalry has resulted into false implication of the applicants.
4. This Court, while granting ad-interim protection has given certain directions to the I.O.. Pursuant to the said directions, the submissions of learned APP are, the complainant, an eye witness who was accomplice of the victim have named the applicants with specific overtact, however, CCTV footage demonstrates presence of the applicants at their place of business.
5. It is further informed that the CCTV footage were also shown to the complainant. The victim has not named the applicants as involved in the crime in question.

6. In the aforesaid background, ad-interim protection ordered against the applicants needs to be confirmed and is accordingly confirmed.

7. Both the applicants are directed to appear before the I.O. on 18th, 22nd and 24th November, 2021 between 10.00 am. to 12.00 noon, and thereafter as and when directed by the I.O.

8. The applicants shall not influence the prosecution witnesses or tamper with the evidence.

9. The application stands disposed of in above terms.

(NITIN W. SAMBRE, J.)