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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2326 OF 2021

SAHIL KHAN

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Rajiv Chavan, Senior Advocate a/w Mr. Mujahid Ansari, Ms. Priyanka Chavan Rishieka Ray i/b Ansari Mujahid for the applicant
Mr. A. R. Kapadnis APP for the State
Mr. Ashish Dubey for intervener

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 7, 2021.

P.C.:

1] Shri. Rajiv Chavan, learned senior counsel for the applicant on instructions assures that applicant shall not be posting any defamatory, objectionable or such other material against the complainant which shall bring disrepute or malign his image in the field of which both them are working.

2] Statement made on instructions is accepted as an undertaking

to this Court.

3] This Court has already protected the applicant vide Ad-interim order dated 28/09/2021.

4] Necessary ingredients of Section 306 of Indian Penal Code cannot be inferred as has been rightly pointed out by the learned senior counsel for the applicant.

5] In the aforesaid background, in my opinion, Ad-interim protection needs to be confirmed.

(i) In the event of arrest of the applicant in C.R. No. 680/2021 registered with Oshiwara Police Station for offences punishable under Sections 306, 511, 500, 506 r/w 34 of the Indian Penal Code, he be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicant shall not establish contact, directly or indirectly, with the complainant.

(iv) If the undertaking given herein above is breached, liberty to complainant to move for cancellation of bail before the Court below.

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]