

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

ANTICIPATORY BAIL APPLICATION NO. 1925 OF 2019

Shivam Datta Pawar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ranjit S. Hatkar h/f. Rupesh A. Zade for Applicant.
Mr. Amit A. Palkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th AUGUST, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.610 of 2019 registered at Baramati Police Station, on 01/08/2019, under sections 327, 341, 324, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Ranjit Hatkar, learned counsel holding for Shri. Rupesh Zade, learned counsel for the applicant and Shri. Amit Palkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Krushnaraj Jachak. He has stated that, on

01/08/2019, he and his friend Atul Gawade were going towards MIDC Baramati on the informant's motorcycle. At that time, the applicant, Omkar Ghante and one unknown person stopped them. There was old quarrel between them. The applicant allegedly gave a blow of wooden log on the informant's head. The informant started running away. Omkar kicked him. He fell down. It is alleged that the applicant removed a gold chain weighing 4 tola from his person and then they went away. The informant was taken to Baramati Taluka police station. The police gave him medical yadi. He went to hospital for taking treatment. After taking treatment he came back and lodged this F.I.R. about the incident dated 01/08/2019 which had taken place on 6:45p.m.

4. Shri. Rajnit Hatkar holding for Shri. Rupesh Zade, learned counsel for the applicant submitted that the offence is old. The applicant is protected by interim order dated 03/09/2019 and there is nothing to show that any serious injury is caused to anybody.

5. Learned APP opposed this application based on the allegations made in the F.I.R.

6. I have considered these submissions. The applicant was protected from arrest by way of interim order dated 03/09/2019. Thus, for about 2 years the investigating agency has not made any application for vacating that order. No further record is produced before the court supporting the investigating agency's requirement for custodial interrogation of the applicant. Even if it is assumed that the incident is true, after about two years on being interim protection, no purpose will be served by arresting the applicant, in the facts of this particular case.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.610 of 2019 registered at Baramati Police Station, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)