

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.551 OF 2022

Kapil Rohatas Sauda

...Applicant

VERSUS

The State of Maharashtra and Another

...Respondents

...

Mr. N.L. Jadhav, Advocate for the applicant.

Mr. A.A. Jagatkar, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 05th JULY, 2022.

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The interim protection was granted to this applicant by this Court with a condition to attend the police station on each Tuesday and Friday until further orders. However at the outset, the learned APP pointed out that the applicant did not attend the police station as per the direction. On verifying the facts, the learned counsel for the applicant stated that there was a communication gap between the accused and the instructing lawyer. However, the applicant attended the police station on 11.06.2022.
3. He would further argue that considering the allegations levelled against the applicant, the interim protection was granted. No allegations have been made against the applicant except instigating

the other co-accused. No allegations of using any weapon has been levelled against him. He is ready to abide by the conditions, if enlarged on bail.

4. The learned APP would submit that the applicant was the key person who was instigating other co-accused. Therefore, he is not entitled to the anticipatory bail.

5. The FIR reveals that no role is attributed to the applicant except threat that the applicant will not let the complainant alive. He uttered the threats only. The role attributed to the applicant is an essential factor to be considered while considering the pre-arrest bail. Except uttering the above words, no allegations have been made against the applicant. The custodial interrogation of the applicant would serve no purpose. Hence, this Court is of the view that the application deserve to be allowed. Therefore, the following order :

ORDER

(A) The Application is allowed.

(B) The order granting pre-arrest bail dated 06.05.2022 is confirmed on the condition that the applicant shall attend the police station, if called on written notice by the Investigating Officer.

(S.G. MEHARE, J.)