

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 2660 OF 2021

Rohan Sudam Awatade

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. Sarang S. Aradhye, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.

DATE : 16 FEBRUARY 2022

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.165/2021 of Police Station Salgar Vasti, District Solapur City, under Section 143, 147, 148, 149, 327, 324, 323, 504 and 506 of IPC, is seeking anticipatory bail.

2. Heard the learned counsel for the parties. Perused record.

3. The record discloses that on 7 December 2021, this Court has granted interim protection to the Applicant on condition of attendance. The Applicant has accordingly reported to the

Investigating Officer and has cooperated in the investigation. Except the present Applicant, all other accused were arrested and stated to have been granted bail.

4. According to the learned counsel for the Applicant, the Applicant is a student of B.A.M.S. and taking education at Swami Vivekanand Aurveda Mahavidyalaya, Shrigonda, Ahmednagar.

5. The Applicant has produced a letter dated 18 August 2021 from the Principal of the College stating that the Applicant was present in the college, hostel and mess from 5 August 2021 to 11 August 2021. Incidentally, it is also stated that on 8 August 2021, on which date the incident is alleged to have happened, there was a holiday it being a Sunday. However, the Applicant was present in the hostel and mess on 8 August 2021.

6. Time was granted to the State to verify the said aspect. Today, learned APP has produced the CDR / tower location of the Applicant which is are taken on record and marked 'X' for identification. Learned APP, on instructions from the Investigating Officer, states that the fact about the presence of the Applicant in the college / hostel / mess on 8 August 2021 has been verified and has been *prima facie* found to be correct.

7. In that view of the matter, the Criminal Application is disposed of in terms of the order dated 7 December 2021 on the condition that the Applicant shall cooperate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

8. The observations / findings in this order are of a *prima facie* nature and the learned trial Court shall not be bound by the same at the trial of the case.

C.V. BHADANG, J.