

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

ANTICIPATORY BAIL APPLICATION NO. 2 OF 2022

**SNEHA
NITIN
CHAVAN**

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Nitesh Narayan Rane and Anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 51 OF 2022

Manish Prakash Dalvi ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Niteen Pradhan, Senior Counsel i/b Shubhada Khot for the Applicants in ABA/2/2022.

Mr. A.P. Mundargi, Senior Counsel i/b Lokesh Zade and Vishnu Chavan for the Applicant in ABA/51/2022.

Mr. Sudeep Pasbole, Spl.PP with Bhushan Salvi and Y.Y. Dabke for the Respondent/State.

Mr. Vikas Patil Shirgaonkar for the intervenor.

PI Sachin Houndalekar, attached to Kankavli Police Station present.

CORAM : C.V. BHADANG, J.

RESERVED ON : 13 JANUARY 2022

PRONOUNCED ON : 17 JANUARY 2022

(Through Video Conferencing)

P.C.:

1. Both these applications, seeking anticipatory bail, arise out of Crime No. 387/2021 Police Station Kankavali, District Sindhudurga under Section 307, 120-B r/w Section 34 of Indian Penal Code (IPC). As such they are being disposed of by this common order.

2. Brief facts necessary for the disposal of the applications may be stated thus:

The Applicant No. 1 Nitesh Rane (ABA No. 2/2021) is a sitting MLA in the State from Kankavali Constituency, being elected in the year 2014 and then in 2019 on the ticket of Bhartiya Janata Party (BJP), which is in opposition in the State of Maharashtra. The Applicant No. 2 Sandesh @ Gotya Sawant is said to be a close associate of Applicant No.1. The Applicant Manish Dalvi (ABA No. 51/2022) is a elected Director and the Chairman of Sindhudurga District Central Cooperative Bank ('the said Bank' for short).

3. On 23 December 2021, there was an incident of 'catcall lampooning', during a protest by the opposition outside Assembly during the Assembly Session involving the Applicant

No.1, which according to the Applicants did not go well with Shiv Sena, the Ruling coalition Party in the State.

4. Secondly, the elections to the said Bank were scheduled to be held on 30 December 2021 in which Applicant Manish Dalvi was a contesting candidate and the Applicant Nitesh Rane was the Campaigner in the said election for Manish Dalvi and against the rival candidates of the ruling coalition parties in the State. Broadly, these are the reasons according to the applicants for their false implication, in the case apart from general political rivalry.

5. The aforesaid offence is registered on the complaint lodged by Santosh Manohar Parab resident of Kankavali, who is a contractor by profession and a member of the ruling Coalition party in the State. According to the informant, on 18 December 2021 at about 11 am, when he was returning home by his motorcycle, he was hit by a car from behind, near Shital Chinese Centre, Kanedi Road at Kankavali, as a result of which, he fell down and the motorcycle falling on his person. He claims that he was dragged to a distance of about 15 ft, because of which, he sustained injuries to his right hand. He noticed that he was hit by a silver colour Innova car, without any registration number. One unidentified person alighted from the car, while the driver was sitting at the wheels. The said person accosted him as to

whether he (the informant) is working for Mr. Satish Sawant. Saying so, the said person took out a knife (which is found to be a paper cutter) and assaulted the informant on the right side of the chest, because of which he sustained an injury. The said unidentified assailant is alleged to have said to himself that the incident should be informed to Gotya Sawant and Nitesh Rane. He then made a call to someone and then fled in the car. The informant has given the description of the said unidentified person and clothes worn. The informant was carried to the Sub-District hospital. The police was informed about the incident by an anonymous caller. The Investigating Officer visited the hospital, where the statement of the informant was recorded after obtaining endorsement about fitness, from the medical officer. Accordingly, an offence was registered against unidentified accused.

6. The innova car, matching the description was intercepted near Fonda Checkpost. The car was bearing No. MH-14-DX-8326, which was seized. During the course of the investigation, the accused Chetan Pawar(A1), Karan Balasaheb Kamble(A2), Anil Nakka(A3)and Karan Dattu Kamble(A4) all residents of Pune came to be arrested on 18 December 2021 at about 21.47 Hrs. The Police Custody Remand of the said Accused was obtained. On 20 December 2021 in the remand application, one more accused Dipak Namdeo Waghode(A5)

was shown to be arrested and one Dnyaneshwar @ Mauli Digambar Devnoor(WA3) and Dheeraj Jadhao (WA4) were shown to be wanted in the crime. In the remand application, on 23 December 2021, it was stated that two vehicles (being the Innova Car and a Maruti Swift Desire Car) were seized apart from the mobiles of the arrested accused.

7. It appears that a notice under section 160 of the Code of Criminal Procedure ('Cr.P.C.' for short) was issued to the Applicants Nitesh Rane and Gotya Sawant. They accordingly attended the police Station. Their statements were recorded on 24 December 2021 and they were allowed to go. On 26 December 2021, one more accused Sachin Satpute (A6) was arrested at Delhi. On 28 December 2021, for the first time the Applicants Nitesh Rane and Sandesh @ Gotya Sawant were shown to be wanted accused in connection with the investigation of the said crime, alongwith Dnyaneshwar @ Mauli Devnoor and Dhiraj Jadhao.

8. In short according to the prosecution, the conspiracy was hatched in which Sachin Satpute (A6) was entrusted "to assault and criminally intimidate the complainant/injured". Sachin Satpute (A6) with the help of Dhiraj Jadhao (who is stated to be bodyguard of Sachin Satpute) and accused

Dnyaneshwar @ Mauli has given effect to the object of the conspiracy by hiring the other accused.

9. The learned Sessions Judge has refused to grant anticipatory bail to the applicants by order dated 30 December 2021 on the ground that “custodial investigation of the Applicants is called for to recover Vanity Van, mobiles and for confrontation of the Applicants with the arrested accused”.

10. I have heard the learned counsel for the parties. With the assistance of the learned counsel for the parties, I have gone through the record.

11. It is submitted by Shri. Niteen Pradhan, the learned Senior Counsel for the Applicants in ABA No. 2/2022, that the prosecution story of the assailant saying (after the assault) that it is necessary to inform Gotya Sawant and Nilesh Rane is highly improbable and smacks of concoction. It is submitted that in a conspiracy the members, would tend to hide the identity and not openly try to disclose the same, that too in the presence of the informant/injured.

12. It is submitted that Section 438 of the Cr.P.C. was introduced with the object of protecting persons from unjustified arrests, based on malicious prosecution out of

political vendetta. It is submitted that this is a classic case of the Applicants being roped in a false and frivolous case mainly on account of the annoyance due to the 'catcall lampooning' and to prevent the Applicants and others from effectively contesting the elections to the said Bank. It is submitted that the prosecution case of the conspiracy being hatched between the Applicants and the accused No. 6 in a Vanity Van more than three months prior to the incident is unacceptable. It is submitted that there is no material collected to show the complicity or the involvement of the Applicants in the said offence. It is submitted that on 24 December 2021, the Investigating Officer has not asked the Applicants to produce the mobile phone. It is submitted that Applicant No.1 on 5 January 2022 has written to the Investigating Officer informing about the mobile numbers used and asking him the details which are required. It is submitted that there is no response to the said letter. It is submitted that the first informant, at the behest of the political rivals of the Applicants, is trying to gain out of an incident, which could be a mere accident. It is submitted that a member of the ruling coalition in the State had felicitated the informant on 26 December 2021 for showing 'extraordinary courage and sacrifice', in naming the Applicants. It is submitted that on 25 December 2021, the local MLA had staged a *Dharna* at the Kankavali Police station putting pressure on the police. It is submitted that in the FIR, there is no reason shown for the

belated lodging of the FIR. It is pointed out that the informant is shown to have suffered simple injuries and the offence under section 307 IPC is not made out.

13. It is submitted that in the absence of any prima facie evidence to show the involvement of the Applicants in the offence, the antecedents are not relevant. It is submitted that the cases are mostly arising of political agitations. It is submitted that so far as the Dadar incident of the Railway police, is concerned, it is not mentioned in the reply.

14. On behalf of the Applicants reliance is placed on the decision of the Supreme Court in *Joginder Kumar V/s State of UP and Ors.*¹, *Siddharam Satlingappa Mhetre V/s State of Maharashtra and Ors.*² and *Sushila Aggarwal and Ors. V/s State (NCT of Delhi) and another*³.

15. Mr. Mundargi, the learned Senior Counsel for the Applicant, Manish Dalvi has submitted that a notice under section 160 of Cr.P.C. was issued to the Applicant on 27 December 2021. He submitted that in view of the registration of the offence and apprehending arrest, the Applicants approached the Sessions Judge for anticipatory bail. The learned Senior counsel pointed out the reply filed by the prosecution on 28

1 (1994) 4 Supreme Court Cases 260

2 (2011) 1 Supreme Court Cases 694

3 (2020) 5 Supreme Court Cases 1

December 2021, before the learned Sessions Judge, in which vide para 10, the Applicant is referred to as a witness. It is submitted that the only material according to the Investigating Officer against the Applicant is that the Applicant Manish Dalvi made one call each to Sachin Satpute and one Sharad Dokale (who is not an accused in the case) and four calls to Rakesh Parab, who is the Personal Assistant of the Applicant Nitesh Rane and his location on the day of the incident which is shown to be near the Railway station. It is submitted that the Applicant is not shown as a wanted accused in the case. His name does not figure in the FIR. It is submitted that the calls between the party workers is a routine matter and cannot be linked to any conspiracy. Insofar as location is concerned, it is submitted that the party workers had gone to meet the party leader, who is a Central Minister, whose residence is in the same area near railway station. It is submitted that the cases against the Applicant were out of political agitations and the applicant has been acquitted of all the offences after a regular trial on contest. He, therefore, submitted that the Applicant be granted pre-arrest bail subject to conditions as may be deemed just and necessary.

16. Mr. Pasbola, the learned Special PP submitted that the incident in this case is much prior to the 'catcall' incident, as well as the election of the said Bank. It is submitted that the Applicants Nitesh Rane and Sandesh Sawant were called on 24

December 2021 on which date their statements were recorded, which is after the catcall incident and the declaration of election to the said Bank. It is submitted that, had the prosecution been motivated on account of this, as claimed on behalf of the applicants, the applicants could not have been let off after their statement on 24 December 2021. It is submitted that it was only after the arrest of Sachin Satpute (A6) on 26 December 2021 that the conspiracy angle clearly surfaced requiring the custody of the Applicants for further investigation. It is submitted that in a test identification parade(TI Parade), the informant has identified the assailants. It is submitted that the Call Data Record (CDR) shows that accused Nos. 1 to 4 were in contact with Dnyaneshwar @ Mauli Devnoor (WA-3) and Dhiraj Jadhao (WA-4) who were in contact with Sachin Satpute (A6). It is submitted that Sachin Satpute was in contact with the Applicant Nitesh Rane which is sufficient to spell out conspiracy. It is submitted that by the very nature of it, direct evidence of conspiracy is seldom available.

17. The learned Spl. PP has submitted that it has transpired in the investigation on interrogation of accused Sachin Satpute that the conspiracy was hatched on 28 August 2021 at Kankavali in the presence of Dheeraj Jadhao and the Applicant Nitesh Rane, as the injured Santosh Parab was spreading rumors leading to misunderstanding about Rane

Family. The learned counsel has submitted that the investigation has revealed that Dnyaneshwar @ Mauli had sent the photograph of the informant to accused Karan Kamble (A2) in the morning on the day of incident. It is submitted that Dhiraj Jadhao had visited Kankavali on multiple occasions. It is submitted that close associates of the Applicant Nitesh Rane are found to have complicity in the incident and the role of the Applicants including transfer/payment of money, if any, needs to be investigated inasmuch as the accused Nos. 1 to 4 and accused Sachin Satpute and Dheeraj Jadhao who are from Pune were engaged for the purpose. It is submitted that there are criminal antecedents against the Applicants. It is submitted that the Applicant Nitesh Rane is facing prosecution in five cases including one with Railway Police station Dadar and the Applicant Sandesh @ Gotya Sawant is facing prosecution in twenty six cases including under Section 307 of IPC. It is submitted that the Applicants are influential and there is possibility of misuse of the liberty and interference in the investigation if protection is granted. The learned Spl. PP has placed reliance on the decision of the Supreme Court in *State (CBI) V/s Anil Sharma*⁴ in order to submit that “custodial interrogation is qualitatively more elicitation oriented”. Further reliance is placed on *Harjit Singh V/s Inderpreet Singh*,⁵ *State of MP V/s Bimal Krishna Kundu and another*⁶ and *Ash*

4 (1997) 7 SCC 187

5 AIR 2021 SC 4017

6 (1997) 8 Supreme Court Cases 104

*Mohammad V/s Shivraj Singh alias Lalla Baby and another*⁷. It is submitted that the question of imposing appropriate conditions can arise only after the Applicants are otherwise found to be entitled for protection.

18. The learned counsel for the informant-intervenor has opposed the applications on similar grounds.

19. In rejoinder, it is submitted by Mr. Pradhan, the learned Senior Counsel for the Applicants in ABA No. 2/2022 that the statement of the co-accused Sachin Satpute is not admissible and cannot be relied upon or used against the Applicants. It is submitted that Dadar case is not part of the reply filed. It is pointed out that even in that case a similar allegation is made as to the assailant taking the name of the Applicant after the incident. It is submitted that the circumstances relied upon are remote and not sufficient to show the complicity of the Applicants in the incident.

20. I have carefully considered the submissions made. There are six accused, who are already arrested and the present Applicants alongwith Dnyaneshwar @ Mauli and Dhiraj Jadhao are shown to be wanted. According to the prosecution, the conspiracy was hatched on 28 August 2021 between the Applicant Nitesh Rane and Sachin Satpute in the presence of

⁷ (2012) 9 Supreme Court Cases 446

Dhiraj Jadhao, both of whom are from Pune. This was on account of the reason that the injured -informant was allegedly spreading rumors creating misunderstanding about Rane family. Further according to the prosecution, the accused nos. 1 to 4, who are also from Pune were engaged to carry out the object of the conspiracy.

21. Quite to the contrary, according to the Applicants, the Applicants are being falsely implicated on account of political rivalry. The immediate trigger for the same, according to the Applicants is the incident of 'Catcall lampooning' on 23 December 2021 outside Vidhan Bhavan and the elections to the said Bank.

22. Before appreciating the rival contentions, it is necessary to note that the entire material which forms the part of the investigation and the case diary cannot be disclosed at this stage inasmuch as the investigation is still in progress. The material has to be examined for the limited purpose and in the context of the plea for pre-arrest bail.

23. It is necessary to see, whether the investigation so far has disclosed any material to prima facie show the complicity of the Applicants in the incident and if, yes, a need for custodial interrogation. The criminal antecedents, if any, can only enter

consideration, thereafter, in the context of the possible misuse of the protection, if, granted.

24. The incident had taken place on 18 December 2021, while the incident of catcall is dated 23 December 2021. It is after the incident of catcall and the declaration of the election to the said Bank that the Applicants in ABA No. 2/2022 were called for interrogation on 24 December 2021, when after recording their statement they were allowed to go. Thus, the learned Special PP prima facie appears to be right that if, there was an intention to implicate these Applicants on account of the incident of catcall and the elections to the said Bank, they could have been arrested on 24 December 2021 itself. Prima facie it appears that according to the Investigating Officer, the complicity of these Applicants emerged after arrest of Sachin Satpute (A6) from Delhi on 26 December 2021 and his interrogation. The learned counsel for the Applicants had taken objection to the reliance placed on the statement of Sachin Satpute on the ground that it is not admissible being hit by Section 25 of the Evidence Act. In my humble opinion, a distinction has to be made between admissibility of a piece of evidence and material disclosed during interrogation of an arrested accused or a suspect, as an investigational aid/tool. Applicant No. 1 is the local MLA and the accused, except the accused Nos. 1 to 5 are the party workers or associates.

According to the Investigating Officer, the Applicant No. 1 had given the photograph of the injured to Sachin Satpute A6. It has transpired in the investigation that before the incident, A6 had sent a photograph of the injured to Dheeraj Jadhao. There is a message at 9.14 am on the day of the incident by which Dheeraj Jadhao had again asked A6 to send the photograph saying that the 'boys are ready'. Thereafter, Dnyaneshwar Devnoor had sent a photograph of the injured to accused Karan Kamble (A2) in the morning of the incident. It is necessary to note that A2 has been identified by the injured in the TI parade as the assailant. There are 65 calls between Sachin Satpute and Rakesh Parab, the Personal Assistant to Applicant No.1. According to the Investigating Officer, the Applicant No.1 was using seven mobile phones and had also made calls from the mobile of his P.A. Rakesh Parab. Even assuming that the said calls were not made by Applicant No.1 the fact remains that they were from the PA of Applicant No.1. There are also certain calls between Rakesh Parab and Applicant No. 2.

25. The prosecution is relying on the following circumstances to show the complicity of Applicant Nos. 1 and 2 in the incident.

- (i) The meeting between Applicant No.1 and Sachin Satpute on 28 August 2021 in a vanity Van at Kankavali.

(ii) The statement by the injured that the assailant Karan Balasaheb Kamble (A2) after the assault took the name of the Applicants Nitesh Rane and Gotya Sawant.

(iii) The subsequent identification of Karan Kamble(A2) by the injured in a TI parade.

(iv) The alleged exchange of the photographs of the injured between Applicant No.1, Sachin Satpute (A6), Dheeraj Jadhao, Dnyaneshwar @ Mauli (WA 3) ultimately leading to Karan Kamble (A2).

(v) The interrogation of the accused Sachin Satpute after his arrest on 26 December 2021.

(vi) The CDR showing the repeated contact between the accused and more particularly the PA of the Applicant No. 1 and Sachin Satpute.

Prima facie, the cumulative effect of these circumstances has to be seen at this stage to decide on the plea for pre-arrest bail and need for custodial interrogation.

26. The law relating to grant of anticipatory bail is too well settled to be restated. The Supreme Court in Siddharam Mhetre (supra) after taking survey of several decisions holding the field including the illustrated decision of the Constitution Bench in *Gurubaksh Singh Sibbia v/s. State of Panjab*⁸ has noted

⁸ (1980) 2 SCC 565

the following factors and parameters which can be taken into consideration while dealing with such application.

“112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

iii. The possibility of the applicant to flee from justice; iv. The possibility of the accused's likelihood to repeat similar or the other offences.

v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of Sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should

be prevention of harassment, humiliation and unjustified detention of the accused;

ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

27. In a more recent decision of the Constitution Bench in *Sushila Aggarwal (supra)* the following questions were referred to the larger Bench for determination.

“(1) Whether the protection granted to a person under Section 438 Cr.P.C. should be limited to a fixed period so as to enable the person to surrender before the trial court and seek regular bail.

(2) Whether the life of an anticipatory bail should end at the time and stage when the accused is summoned by the court.”

The Supreme Court has set out the conclusions in paragraphs 91 and 92 of the Judgment. In para 92.4, it has been held that the courts ought to be generally guided by considerations such as the nature and gravity of the offence and the role attributed to the Applicant and the facts of the case. It is necessary to note that the question would depend on the facts and circumstances of each case.

28. In *Sushila Aggarwal (supra)*, it was one of the questions involved, whether upon grant of anticipatory bail, if the investigating agency requires the custody of the accused for discovery under Section 27 of the Evidence Act, the accused would or could be required to surrender? In the context of such an issue, the Supreme Court held in para 92.8 as under:

“92.8 The observations in Sibbia regarding “limited custody” or “deemed custody” to facilitate the requirements of the investigative authority, would be sufficient for the purpose of fulfilling the provisions of Section 27, in the event of recovery of an article, or discovery of a fact, which is relatable to a statement made during such event (i.e deemed custody). In such event, there is no question (or necessity) of asking the accused to separately surrender and seek regular bail. Sibbia (supra) had observed that:

“19.if and when the occasion arises, it may be possible for the prosecution to claim the benefit of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by a person released on bail by invoking the principle stated by this Court in State of U.P. v Deoman Upadhyaya.”

29. In *Jogindar Kumar (supra)*, a young Advocate was called to the office of the Superintendent of Police for inquiries in connection with some case, and was kept in police custody for 5 days. Pursuant to a Writ Petition for his release, it was contended on behalf of the police that the Petitioner was not detained and his help was taken for detecting some abduction

cases. The Supreme Case on facts found that the explanation was not sufficient or satisfactory and a detailed inquiry was directed. Thus, the case clearly turned on facts.

30. Coming to the antecedents, in the reply, the prosecution has set out in all five cases against Applicant No. 1 and 26 cases against Applicant No 2. It is pointed out that Applicant No. 1 was arrested in Crime No. 205/2019 of Police Station Kankavali under Section 353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109 and 120-B of IPC and Section 3 of the Damage to Public Property Act. The Applicant No. 2 has been convicted in Crime No. 64/2011 of Police Station Vengurla District Sindhudurga under Section 307, 143, 147, 148 etc.

31. It is necessary to note that the arrested accused Nos. 1 to 6 and the accused Dheeraj Jadhao and Dnyaneshwar @ Mauli are all from Pune and it is in this context that it is claimed that the interrogation of the applicants is necessary to further investigate the conspiracy including the exchange of money, if any, as the accused Nos. 1 to 4 were allegedly hired for the purpose. Thus, the custody is not sought only for the purpose of recovery of any article but also for interrogation which would be necessary. The Supreme Court in the case of Anil Sharma has held that “custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is well ensconced with a favourable order under Section 438 of the Code of Criminal

Procedure”. It is necessary to note that the Supreme Court has noted the decision in Anil Sharma in the Constitution Bench decision in Sushila Aggarwal’s case.

32. The court in such a case is required to balance the conflicting considerations of personal liberty and a need for proper investigation in a larger societal interest. At this stage, in my considered view the proper investigation is the paramount consideration. Thus, I do not find that the Applicants in ABA No.2 of 2022 are entitled to pre-arrest bail.

33. Coming to the Applicant, Manish Dalvi in ABA no 51/2022 his name does not figure in the complaint lodged by the injured. His involvement is not prima facie shown on the basis of the investigation at this stage. He was called as a witness. Even in the reply filed by the Investigating Officer before the Sessions Court on 28 December 2021, he was referred to as a witness. The learned counsel for the Applicant has pointed out that the interim protection was refused to the Applicant only because of possibility of law and order situation which is not permissible. The only material at this stage insofar as the said Applicant is concerned, is that he had made one call each to Sachin Satpute and Sharad Dokale, who is not an accused or a suspect in this case and four calls to Rakesh Parab and his location near Railway station, that is near the spot of incident.

The learned Senior Counsel has pointed out that the applicant and others had gone to meet the party central leader at his residence, which is near Railway Station. It is also pointed out that there are no criminal antecedents to the discredit of the Applicant as he has been acquitted of the offences in a full trial on contest, which is not disputed. Thus, in my considered view, protection can be granted to the Applicant Manish Dalvi on conditions.

34. It is made clear that the observations herein are essentially of a prima facie nature, only for a limited purpose of deciding the application for pre-arrest bail and the learned Sessions Judge shall not be influenced by the same at the subsequent stage, if any.

35. Hence the following order is passed:

ORDER

- (i) ABA No. 2/2022 is rejected
- (ii) ABA No. 51/2022 is allowed.
- (iii) In the event of his arrest in connection with investigation of Crime No. 387/2021 of PS Kankavali the Applicant Manish Prakash Dalvi be released on bail on execution of a PR bond of Rs 50,000/- with one or two solvent sureties in the like amount.

(iv) The Applicant shall attend PS Kankavali on 20th, 21st and 22nd January 2022 between 11 am to 1 pm and thereafter, as and when called by the Investigating Officer.

(v) The Applicant shall surrender his passport, if any, before the Investigating officer and shall not leave Sindhudurga District without prior intimation to the investigating officer until further orders.

(vi) The Applicant shall co-operate with the investigating agency and shall not make any attempt to directly or indirectly contact or influence the witnesses or to otherwise tamper with the prosecution evidence.

(vii) The Applicant shall not indulge into any acts which tends to interfere with the proper investigation of the offence.

(viii) In the event of breach of any conditions, the bail is liable to be cancelled.

35. At this stage, Mr. Pradhan, the learned Senior counsel for the Applicants has submitted that some protection be granted to the Applicants in order to enable them to decide on the further course of action.

36. Mr. Pasbola, the learned Special PP pointed out that there was no interim protection either before the Sessions Judge or before this Court operating in favour of the Applicants.

However, the Investigating Officer had made a statement that no coercive or precipitative steps shall be taken against the Applicants, during the pendancy of the application before this Court. The learned Special PP in all fairness, after taking specific instructions, from the Investigating Officer states that the said statement shall continue till 27 January 2022. In that view of the matter, no further orders are necessary.

(C.V. BHADANG, J.)