

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.694 OF 2020**

Shailesh Ananta Bhoir	]	..	Applicant
vs			
State of Maharashtra	]	..	Respondent

Mr.Nilesh Pandey a/w Reshma Bhopi, Rahul Bhosale and Sameer Vispute i/b Equa Juris for Applicant.

Mr.S.H. Yadav, APP for the State.

PSI A.B. Kedar Central Police Station Ulhasnagar present.

CORAM : BHARATI DANGRE, J

DATE : 21st SEPTEMBER, 2022.

P.C.

1] On 19.06.2020 the Applicant was admitted to interim protection in the light of the submissions advanced on his behalf that he was not attributed the role of assaulting the injured but the only role that surfaced was he was sitting on a motorcycle. He was granted protection and till date the said interim protection is in operation.

2] The learned counsel for the Applicant has invited my attention to the charge-sheet filed in the subject CR in which the Applicant is shown as absconding.

3] The detail charge-sheet would reveal that investigation is complete as it has compiled statements of various witnesses as well as

footage of CCTV camera on record. On perusal of the said charge-sheet and statements contained therein, the role equivocally assigned to the present Applicant is that he was sitting on a motorcycle and instigating people to assault the injured. Upon his instigation, it is alleged that 8-9 persons armed with wooden sticks, iron rods and knives assaulted the injured. It is submitted that the main assailant Keval Shelke (accused No.2) is released on bail. Apart from this, four other co-accused are released on bail and three juvenile accused were also granted protection.

4] Considering that the investigation is now complete and exhaustive charge sheet has been filed in the subject CR, I do not see any reason why custodial interrogation of the Applicant is necessary when his role has now clearly surfaced on record as an instigator, but not as assailant. Though he may take consequences of sharing common object with the aid of unlawful assembly, after three years of the registration of CR, he cannot be arrested.

5] In the wake of above, order dated 19.06.2020 is made absolute.

[BHARATI DANGRE, J]