

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1004 OF 2022**

Mr. Shaikh Khalil Shaikh Shafi ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Manoj Mohite, Senior Advocate with Mr. Subodh Desai, Mr. Kishor N. Rankawat, Mr. Vivek S. Babar, for Applicant.
Ms. P.N.Dabholkar, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 13th JUNE, 2022

P.C.

1. This Application is preferred for pre-arrest bail in connection with C.R.No.3 of 2022 registered with Pawarwadi Police Station for the offences punishable under Sections 307, 143, 147, 149, 427 read with Section 34 of the Indian Penal Code, 1860 and Sections 3 r/w 25 and 5 r/w 27 of the Arms Act, 1959.
2. Though on 25th April, 2022, the first informant appeared and sought time to file an Intervention Application, the office report indicates that such application has not been filed. None appears for the first informant today.
3. The indictment against the Applicant is that on 8th January, 2022, the Applicant and his associates attempted to forcibly obtain possession of the land situated at Survey Nos.153, 157 belonging to the first informant. There was an altercation. The Applicant initially attempted to assault the first informant by means

of a knife. The persons who had gathered at the place of occurrence, rescued the first informant. Thereafter, the Applicant and his associates went towards a white Creta Car bearing No.MH-41/AS 0952 and again charged upon the first informant armed with deadly weapon. The Applicant allegedly fired with a country made pistol with an intent to commit murder of the first informant.

4. On 25th April, 2022, this Court had granted interim protection and ordered that in the event of his arrest, the Applicant be released on interim bail. This Court noted that in respect of the very same incident, two counter versions were reported. No person has sustained any injury in the alleged occurrence.

5. Mr. Mohite, the learned Senior Advocate appearing for the Applicant submits that, in the intervening period, the Applicant appeared before the Investigating Officer and co-operated with the investigation. Post completion of investigation, the Investigating Officer has filed charge-sheet on 30th May, 2022.

6. One of the co-accused Hemant Jagtap, who had allegedly used an axe, was ordered to be released by this Court in the event of arrest by an order dated 31st January, 2022 in Anticipatory Bail Application No.227 of 2022.

7. Evidently, the investigation is complete for all intent and purpose. Having regard to the nature of the occurrence, custodial interrogation of the Applicant does not seems to be warranted.

7. In the circumstances, I am persuaded to confirm the order of interim

pre-arrest. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The interim order dated 25th April, 2022 stands confirmed on the same terms and conditions, subject to modification that the Applicant shall mark his presence at the concerned police station on the first Sunday of every month between 10.00 a.m. to 12.00 noon, for a period of six months.
- (iii) In addition, the Applicant shall regularly attend the proceedings before the trial Court.

(N.J.JAMADAR, J.)