

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

ANTICIPATORY BAIL APPLICATION NO.1228 OF 2022

**PRIYA
RAJESH
SOPARKAR**

Digitally signed by
PRIYA RAJESH
SOPARKAR
Date: 2022.05.05
14:24:38 +0530

Akshay Janardhan Malekar and ors. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr.Harshad Sathe alongwith Mr.S.B.Butala, Advocates for the Applicants.

Ms.M.R.Tidke, APP for the Respondent/State.

Mr.V.S.Raut, PN/2894, Taloja Police Station, Navi Mumbai present.

**CORAM : VINAY JOSHI, J.
DATE : 05th MAY, 2022.**

P.C.:-

1. Heard.

2. After hearing for some time this court has expressed its non-inclination to grant protection to applicant No.1-Akshay Janardhan Malekar and applicant No.3-Prashant @ Babloo Pandhari Malekar. On such expression the applicants' learned counsel seeks for withdrawal of this application to their extent only. In view of that, the application stands disposed as regards to applicant Nos.1 and 3 only.

3. The case of applicant No.2-Pandhari Baliram Malekar is independently considered. It is the prosecution case that on the date of occurrence applicant Pandhari alongwith co-accused went to the hotel of informant. Both co-accused beated informant by means of wooden sticks. The role assigned to the applicant appears to be a mere presence or at the most giving fist blows. Having regard to the said fact, there is no necessity for custodial interrogation. The

applicant has made out case for grant of pre-arrest protection. Hence, following order :-

- (a) Application as regards to applicant No.1-Akshay Janardhan Malekar and applicant No.3-Prashant @ Babloo Pandhari Malekar stands disposed, since withdrawn.
- (b) Application as regards to applicant No.2- Pandhari Baliram Malekar stands allowed.
- (c) In the event of arrest, the Applicant No.2 /Accused namely - Pandhari Baliram Malekar in Crime No.335 of 2021 registered at Taloja Police Station, Navi Mumbai for the offence punishable under Sections 323, 324, 326 r/w 34 of the Indian Penal Code, be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (d) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to 12.00 noon till filing of charge-sheet.
- (e) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.
- (f) The application stands disposed in above terms.

(VINAY JOSHI, J.)

....