

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

ANTICIPATORY BAIL APPLICATION NO. 1234 OF 2022

Mohammad Yusuf Mohammad Iliyas
Age – 55 Years, Occ: Business,
R/o. Hussain Sheth Compound, Malegaon,
Tal. Malegaon, Dist. : Nashik ... Applicant

Versus

The State of Maharashtra
Through Ayesha Nagar Police Station,
Malegaon, Dist. : Nashik ... Respondent

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Mr Mahendra N. Sandhyanshiv for the Applicant.
Mr V. B. Konde-Deshmukh, APP for the Respondent-State.

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CORAM : R. N. LADDHA, J.

DATE : 20 DECEMBER 2022

P.C.:

In this application, the Applicant has approached this Court seeking anticipatory bail in connection with an FIR bearing C.R.No.I-36/2021, registered against him at Ayesha Nagar Police Station, Malegaon, District Nashik, under Sections 363, 143, 147, 149, 394, 323, 504, 506 of the Indian Penal Code and Section 37(1)/135 of the Maharashtra Police Act.

2. On 05.05.2022, when this application came up for consideration, this Court found that a prima facie case for grant of ad-interim protection was made out by the Applicant and that as such ad-interim protection could be granted subject to the Applicant to report to the concerned Police Station as and when called, till further order. Consequently, the following order granting ad-interim protection was passed in favour of the Applicant.

“a) In the event of arrest, the Applicant/Accused namely – Mohammad Yusuf Mohammad Iliyas in Crime No. I-36 of 2021 registered at Ayesha Nagar Police Station, Malegaon, District Nashik, for the offence punishable under Sections 363, 143, 147, 149, 394, 323, 504 and 506 of the Indian Penal Code and under Section 37(1)/135 of the Maharashtra Police Act, be released on interim bail on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

b) The Applicant shall attend the concerned Police Station as and when called, till further order.

c) 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.”

3. Today, when the application is listed for further consideration, Mr Mahendra Sandhyanshiv, learned Counsel appearing for the Applicant submitted that, the Applicant had

attended the Police Station and cooperated with the investigation and that, therefore, the application may be allowed in the interest of justice.

4. Mr V. B. Konde-Deshmukh, learned Additional Public Prosecutor confirms that the Applicant had indeed cooperated with the investigation. He submits that this Court may issue appropriate directions to the Applicant to attend the Trial Court regularly as the charge sheet was filed on 14.02.2022.

5. Considering the reasons stated in the order dated 05.05.2022 granting ad-interim protection to the Applicant and the admitted position that in terms of the directions given by this Court, the Applicant had regularly attended the Police Station and presented himself before the Investigating Officer, thereby indicating that he had cooperated with the investigation, this Court is inclined to confirm interim protection by allowing the present application.

6. Given the above, the application is allowed in the following terms.

ORDER

a) It is directed that in the event the Applicant is arrested in connection with C.R.No.I-36/2021 registered at Ayesha Nagar Police Station, Malegaon,

District Nashik, under Sections 363, 143, 147, 149, 394, 323, 504, 506 of the Indian Penal Code and Section 37(1)/135 of the Maharashtra Police Act, he shall be released on bail on furnishing a P.R. Bond of Rs.25,000/- and surety in the like amount.

b) The Applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

c) The Applicant shall regularly attend the Trial Court and shall cooperate for the expeditious disposal of the case.

[R. N. LADDHA, J.]

BIPIN
DHARMENDER
PRITHIANI

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