

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1663 OF 2022

Amit Devram Kalate

...Applicant

vs.

The State of Maharashtra

...Respondent

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2022.06.28
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Mr. Satyavrat Joshi i/b. Mr. Nitesh Mohite, for the Applicant

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

Mr. Kate, API, Hinjavadi police station present.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 24, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 273 of 2022 registered with Hinjavadi police station, Pune for the offences punishable under sections 186, 195A and 507 of Indian Penal Code, 1860.

2. Three crimes are registered against the applicant at Hinjavadi police station being C.R. No. 373 of 2021, 375 of 2021 and 411 of 2021. The investigation in those crimes is underway. Mr. Nakul Nyamane, API attached to Hinjavadi police station is a member of the investigating team.

3. On 22nd March, 2022 while the first informant was on leave, he received a call from cell phone No. 8581020202 and the caller identified himself as Ashraf Meghant, the co-accused. Ashraf claimed to be a close friend of the applicant. The later ascertained

the identity of the first informant and inquired with him as to what was his stand as regards the crimes registered against the applicant. The co-accused threatened the first informant to resolve the issue pertaining to the applicant, lest he would be summoned before a political functionary. Since the co-accused tried to obstruct the public servant in the discharge of his public functions, the first informant lodged report for the offences punishable under sections 195A, 186 and 507 of Indian Penal Code.

4. The learned counsel for the applicant submits that the applicant had not called the first informant. The co-accused who called the first informant was arrested and has since been released on bail. The offence punishable under section 195A is not prima facie made out. Rest of the offences are non-cognizable and bailable.

5. Learned APP submitted that though the co-accused Ashraf Meghant was arrested and has been released on bail, the entire exercise was directing at screening the applicant from the consequences of the offences registered against him. Therefore, the custodial interrogation of the applicant is warranted.

6. I find it rather difficult to accede the submission of learned APP.

7. It is not the prosecution case that the applicant had called the first informant. The person who called the first informant was

arrested and has since been released on bail. The submission of Mr. Joshi, learned counsel for the applicant, that the applicability of section 195A to the facts of the case is debatable appears to carry some substance. Even if the first information report is taken at par, it is difficult to draw an inference that the co-accused threatened the first informant to give false evidence.

8. In the aforesaid view of the matter, I am inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest of the applicant in C.R. No. 273 of 2022 registered with Hinjavadi police station, Pune for the offences punishable under sections 186, 195A and 507 of the Penal Code, he be released on bail on furnishing a P.R. bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- 3] The applicant shall cooperate with the investigation and shall report to the investigating officer as and when directed.

(N. J. JAMADAR, J.)