

Prajakta Vartak

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

**ANTICIPATORY BAIL APPLICATION NO. 2029 OF 2022**

Dilip Shejwal .. Applicant  
Vs.  
The State Maharashtra. .. Respondent

**WITH  
INTERIM APPLICATION NO. 2919 OF 2022**

Khwaja Mohammed Shaikh .. Intervener  
In the matter between  
Dilip Shejwal .. Applicant  
Vs.  
The State Maharashtra & Anr. .. Respondents

Mr. Dwivendra Dubey for the applicant.  
Mr. A. A. Takalkar APP for the State.  
Mr. Kapil Dave a/w Mahesh Pol for the intervener.  
PI Mr. Anil Mule, D.N. Nagar Police Station present

**CORAM : BHARATI DANGRE, J.  
DATE : 7<sup>th</sup> OCTOBER, 2022.**

**P.C.:**

1. The applicant was directed to report to the police station and it is informed that he has reported to the police station.
2. The learned APP states that statement of one Manisha Patil is recorded on 29 October, 2022 and the submission is that she is the lay whose presence was recorded in the C.C.T.V. footage. The said witness has stated that she had seen Dilip Shejwal and his sons Siddharth and Chetan after the assault was mounted on Khwaja Shaikh and according to her, they assaulted Zaheer Khan and caused injuries to him.

The said statement is recorded more than one year after the incident had taken place, though the C.C.T.V. footage was already available with the prosecution. However, when the Injury Certificate of Zaheer Khan, which is placed on record, is perused, no serious injuries are recorded as the x-ray report, ultra sonography report do not reflect any abnormalities.

3. In the wake of the above, the statement of the Investigating Officer that he wants to recover the rod from the applicant with which he had seen in the C.C.T.V. footage, cannot be ground for custodial interrogation.

4. In the wake of the above, the order dated 21 September, 2022 is made absolute.

Needless to state that the applicant shall continue to render his cooperation with the Investigating Officer. He shall not establish any contact with the complainant or shall not pressurize the complainant and if any attempt on his part being reported, the prosecution as well as the complainant is at liberty to seek cancellation of bail.

**(SMT. BHARATI DANGRE, J.)**