

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2642 OF 2021

Rahul Suhas Jagtap ...Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO.3047 OF 2021**

Avinash Ramesh Nikam ...Applicant

IN THE MATTER BETWEEN

Rahul Suhas Jagtap ...Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr.Irfan A. Shaikh for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent-State.
Mr.Nitin Jadhav for the Intervenor.
Mr.Mansing Patil, API, Kharghar Police Station.

CORAM : C.V. BHADANG, J.

DATE : 23 FEBRUARY 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.354 of 2021 registered with Kharghar Police Station, under Section 326, 324 and 506 read with Section 34 of Indian Penal Code is seeking anticipatory bail.

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2. The aforesaid crime is registered on the basis of the complaint dated 6 October 2021 lodged by Avinash Nikam. It appears that on 28 September 2021, Subhash Nikam the elder brother of the complainant informed him that their father had asked the room which was occupied by Subhash Nikam to be vacated. The informant and his brother Subhash went to ask about the same to their father who stays at Kharghar. It is alleged that the informant and his brother reached the house of the father where the Applicant (who is stated to be the driver in the employment of Mangal Nikam, the sister of the first informant) and the co-accused Sachin Nikam were present.

3. The perusal of the FIR shows that the allegations about actual assault are against co-accused Chetan Gaikwad who had assaulted the first informant by the handle of the knife resulting into a fracture injury to the first informant. Although the FIR mentioned that the present Applicant was also holding a knife, there are no allegations that the Applicant had assaulted by the said knife except that the Applicant had abused and had threatened the first informant and his brother not to come to the said house.

4. It transpires during the course of the hearing that the co-accused Chetan Gaikwad who is the maternal cousin brother of the first informant, has been arrested and released on bail. The

investigation is also stated to be at the final stage. The Applicant was granted protection on 29 October 2021 on conditions. The Applicant has co-operated in the investigation.

5. In such circumstances, the following order is passed.

ORDER

- (i) In the event of his arrest in connection with investigation of Crime No.354 of 2021 registered with Kharghar Police Station, the applicant-Rahul Suhas Jagtap shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.
- (ii) The applicant shall report to the Investigating Officer on 3 and 4 March between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.
- (iii) The Criminal Application is disposed of in the aforesaid terms.
- (iv) In view of disposal of the Criminal Application, Interim Application does not survive and the same is disposed of accordingly.

C.V. BHADANG, J.