

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 2849 OF 2021

VAISHALI
ANIL
TIKAM

Kishor Rajendra Mhalaskar and Ors.

...Applicants

vs.

The State of Maharashtra

...Respondent

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Mr. Vikas B. Shivarkar, for the Applicants

Mr. A.A. Palkar, APP for the State.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 27, 2022

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State-Respondent.

2. The applicants, who are arraigned as accused Nos. 5 to 8 in CR No. 459 of 2021, registered with Talegaon Dabhade Police Station for the offences punishable under sections 436, 427, 143, 147, 149 of Indian Penal Code, 1860 and section 7 of Criminal Law (Amendment) Act 2013 and section 37 (1)(3) read with 135 of the Maharashtra Police Act, 1951, have preferred this application for anticipatory bail.

3. Mrs. Snehal Bhosale, the first informant lodged a report with the allegations that, her husband Shubham Bhosale runs a cafe under the name

and style 'Mittu Heart'. At night, Shubham also works as security guard. On 5th November, 2021 at about 10.00 p.m., the applicant and their associates had come and ransacked their cafe. They attempted to set the Cafe on fire. The first informant, her father-in-law and mother-in-law intervened and extinguished the fire. Hence, the report.

4. By an order dated, 4th December, 2021, having regard to the nature of the accusation, this Court was persuaded to grant interim protection to the applicant.

5. The learned counsel for the applicant submitted that, in the intervening period, investigation has been completed and chargesheet has also been filed.

6. The learned counsel for the applicant invited my attention to the First Information Report No. 458 of 2021, lodged by one of the associates of the applicants in respect of an occurrence, wherein the husband of the first informant herein was accused of forming an unlawful assembly and committing the offence of attempt to commit murder and rioting armed with deadly weapons in prosecution of the common object of the said unlawful assembly.

7. The learned counsel for the applicant submitted that, the said FIR was lodged first in point of time, and the instant FIR has been lodged by the first informant to give a counter blast to the said case.

8. I have carefully perused the allegations in the FIR. It seems that, two versions have been reported about the occurrence. The submission on behalf of the applicant that, the instant FIR was lodged as a counter blast to the report lodged by one of the associates of the applicants against the husband of the first informant deserves consideration. In the backdrop of the nature of accusation and two versions having been reported in respect of the occurrence and the investigation having been completed, at this length of time, the custodial interrogation of the applicants does not seem warranted. The applicants appear to have roots in society. Possibility of fleeing away from justice thus seems to be remote. I am, therefore persuaded to confirm the order of interim pre-arrest bail.

9. Hence, the following order.

ORDER

- i) The application stands allowed.
- ii) The order of interim pre-arrest bail dated 4th December, 2021 is made absolute on the terms and conditions incorporated therein.
- iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

iv) The applicants shall regularly attend the proceedings before the jurisdictional Court.

iv) The application stands disposed.

[N. J. JAMADAR, J.]