

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2777 OF 2022

Bablu @ Isak Chand Pathan

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Ritesh Thobde a/w Mr. Sagar Tambe a/w Mr. Kamran Shaikh,
Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

Mr. Sudhir Kharge PSI, Mohol Police Station, Solapur Rural present.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th October, 2022.

PER COURT:

1. This is an application for Anticipatory Bail in C.R. No.534 of 2022 registered with Mohol Police Station, Solapur, for offences punishable under Sections 353, 224, 225, 341, 342, 323, 504, 506, 143, 147 and 149 of Indian Penal Code.

2. The case of the prosecution is that on 19th June, 2022, the informant along with Police Inspector and other police personnel left towards the house of the accused Samadhan Nanavare for carrying out investigation in connection with Crime No.391 of 2022. During the interrogation of Samadhan, the name of the applicant was revealed, as a person to whom the counterfeit gold was supplied. Call was made to the applicant and thereafter, all of them visited the house of applicant.

The applicant was informed that, he is required for interrogation in the case under investigation. The Applicant initially represented that, there is an order passed in his favour of granting protection to him. He called them in the house. He pointed, interim relief granted in some other case. He was told that, the order which he had shown pertains to some other case. The women from the house intervened with their help and another person. The applicant obstructed the public servant in discharge of their duty, and managed to flee.

3. Learned Advocate for the applicant submits that, custodial interrogation of the applicant is not necessary. The police man who has visited the house were at fault. There was interim protection in favour of the applicant in connection with some other case. No notice under 41-A of Code of Criminal Procedure was given to the applicant. On account of conduct of the public servants. The alleged altercation had occurred.

4. Learned APP opposed the grant of relief. It is submitted that there is evidence against applicant.

5. From the tenor of the FIR, it is apparent that, the applicant had obstructed the public servant in discharge of duty and with the help of other persons in the house. He managed to flee from the place of

incident. No case for grant of anticipatory bail is made out

6. Application stands rejected.

(PRAKASH D. NAIK, J.)