

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3006 OF 2021**

Rupesh Shivram Patil	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent
	a/w	

**INTERIM APPLICATION NO.1101 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3006 OF 2021**

Prathamesh Krushna Gharat	]	Applicant
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IN THE MATTER BETWEEN:

Rupesh Shivram Patil	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

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Mr. Gaurav Parkar, for Applicant in A.B.A No.3006 of 2021.

Mr. Arun K. Rajput, for Intervener.

Mr. Amit Palkar, A.PP, for Respondent-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th JULY, 2022.

P.C.

1. This is an application under section 438 of the Code of Criminal Procedure amongst few facts and grounds.

2. It is the case of the prosecution that on 24th November, 2021, while informant was proceeding towards *Parhur pada* on his motorcycle, the applicant with an intention to commit his murder drove his pick up tempo bearing No. MH-06/BW-1408 in reverse direction and thereby, caused him grievous hurt in an attempt to commit murder.

3. Heard learned Counsel for the applicant.
4. Learned Counsel for the applicant and learned A.PP are *ad idem* that charge-sheet has already been filed against the applicant in the Court of Judicial Magistrate First Class, Alibaug under section 307 of the Indian Penal Code. As such, custodial interrogation of the applicant is not required.
5. Learned Counsel for the intervener, however, submits that an application to add section 120B of the Indian Penal Code has been tendered by him to the Investigating Officer under protest. It is in view of the fact that the applicant is the paramour of his wife who had attempted his murder.
6. In that view of the matter, application is allowed in terms of following directions;
 - (a) In the event of his arrest, the applicant be enlarged on bail on furnishing a P.R bond in the sum of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the Sessions Court at Raigad-Alibaug;
 - (b) The applicant shall not leave jurisdiction of the Court without seeking prior permission and assist the Investigating Officer as and when summoned.
7. Application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]