

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3114 OF 2021

Sarjerao Sakharam Patil ...Applicant
vs.
The State of Maharashtra ...Respondent

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Mr. Kedar Patil a/w. Mr. Jitesh Mundhwa and Ms. Gargi Joshi, for
the Applicant
Mrs. M.R. Tidke, APP, for the State.

CORAM : N. J. JAMADAR, J.

DATE : JULY 05, 2022

P.C.:

1. Heard the learned counsel for the parties.
2. This application for pre-arrest bail is preferred in connection with C.R. No. 590 of 2021 registered with Karvir police station, Kolhapur for the offences punishable under sections 307, 504 read with 34 of Indian Penal Code, 1860 and section 4 read with 25 of Arms Act.
3. By an order dated 23rd December, 2021 this Court was persuaded to grant interim pre-arrest bail.
4. It was noted that the applicant is a soldier in Indian Army. The allegation against the applicant that the applicant has assaulted the informant by means of Sword. The learned counsel for the applicant submits that, in the intervening period, the investigation is complete and charge-sheet has been lodged. It was

further submitted that in respect of very same occurrence a cross case was lodged leading to registration of C.R. No. 591 of 2021 for the offences punishable under sections 326, 143, 144, 146, 147, 148, 549 and 504 of Indian Penal Code, 1860 and section 5 read with 25 of Arms Act against Nagesh Patil, the first informant herein. It appears that during the course of the investigation, the applicant appeared and weapon of offence i.e. sword has been recovered from the applicant.

5. Evidently, the investigation is complete for all intent and purpose. The applicant being a Soldier has roots in society and the possibility of fleeing away from justice seems to be remote. It further appears that the possibility of tampering with evidence is also remote. Hence, I am inclined to make the order of interim pre-arrest bail absolute.

Thus, the following order.

ORDER

- 1] The application stands allowed.
- 2] The order of interim pre-arrest bail dated 23rd December, 2021 is made absolute on the terms and conditions incorporated therein.
- 3] In addition, the applicant shall not tamper with prosecution

evidence and/or give threat or inducement to any of the prosecution witnesses.

4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)