

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3119 OF 2021

VAISHALI
ANIL
TIKAM

Sahil Harun Shaikh and Anr. ...Applicants

VS.

The State of Maharashtra ...Respondent

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Mr. Shailesh Kharat, for Applicant

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

CORAM : N. J. JAMADAR, J.

DATE : JUNE 27, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 1022 of 2021 registered with Kondhwa Police Station for the offences punishable under Sections 353, 324, 504, 141, 142, 143, 146, 147 and 149 of the Indian Penal Code, 1860.

2. Vishal Yadav (First Informant), who is posted as the Forest Guard at Aundh, lodged a report with the allegations that on 17th November, 2021, Applicant -Sahil Shaikh had come to the forest area to graze cattle. The First Informant restrained him from grazing the cattle in the forest area. Sahil took his cattle and went away. Sahil returned to the forest accompanied by co-accused and other 7 to 8 unknown persons. They abused the first informant. Somebody kicked the first informant on his back. He fell down. Thereafter the members of the said assembly assaulted the first informant by means of fist and

blows. Hence, the report

3. On 23rd December, 2021, considering the nature of the accusation, this Court was persuaded to grant interim protection.

4. The learned APP submitted that the First Informant was examined at Sasoon Hospital, Pune. An injury certificate is tendered for the perusal of the Court. It reveals that the medical officer did not notice any visible injury on the person of the First Informant. Having regard to the nature of the accusation, custodial interrogation does not seem warranted.

5. From the foregoing reasons, I am persuaded to exercise the discretion in favour of the Applicants and confirm the order of interim protection granted by this Court on 23rd December, 2021. Hence, the following order:

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) The interim order passed by this Court on 23rd December, 2021 is made absolute on the terms and conditions incorporated therein.
- (iii) The Applicants shall regularly attend the proceedings before the Jurisdictional Court.

(N. J. JAMADAR, J.)