

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1423 OF 2022

**YOGESH SUNIL GOPALE
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Amar V. Lavte, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th JANUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.197/2021, registered with Dindrud Police Station, Beed, for offences punishable under Sections 307, 365, 342, 120-B, 323, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Bhimrao Nivrutti Gayakwad alleging that accused No.1 Adinath along with five other accused persons including present applicant conspired together and abducted Krushna Arjun Gayakwad on suspicion that he is having affair with cousin sister of accused No.1. He was abused and assaulted. Accused No.1 poured petrol on his face and set him on fire. Accused Nos. 1 and 2 named in the FIR were arrested. After completion of investigation charge-sheet is filed on 21/12/2021 against six

accused persons. Applicant who is driver by profession has prayed for anticipatory bail in the said crime.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondents – State. Perused the charge-sheet placed on record.

4. Investigation in the crime is admittedly over and the allegation against present applicant is that he was driving the vehicle in which Krushna was abducted. Except that there is no overtact attributed to the applicant.

5. Learned Additional Public Prosecutor submits that for the purpose of test identification parade custody of applicant is necessary. Learned advocate for applicant by relying on Sections 437(3) and 438(2)(iv) of Cr.P.C. rightly submits that presence of applicant can be secured for the purpose of test identification parade by imposing suitable condition.

6. Applicant was granted interim protection by order dated 20/10/2022 and he has cooperated in the investigation. In that view of the matter and considering provisions of Sections 437(3) and 438(2)(iv), applicant deserves protection.

7. Application is, therefore, allowed by confirming interim order dated 20/10/2022. Applicant shall make himself available for the purpose of test identification parade as and when called by Investigating Officer and shall cooperate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)