

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

ANTICIPATORY BAIL APPLICATION NO. 1245 OF 2022

Akash Sandip Sabale ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Shailesh Chavan a/w Shrikant Panhale - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 16th MARCH, 2023

P. C. :-

1. On 13/03/2023, this Court has heard both the sides. On that date, it is contention on behalf of the Applicant that anticipatory bail cannot be rejected, if otherwise entitled, only on the ground that identification parade has to be conducted. To support that contention he relied upon three orders passed by this Court:-

(i) Suraj Vishnu Jambhale Vs. The State of Maharashtra¹.

(ii) Santosh @ Babu Sudam Aware Vs. The State of Maharashtra².

(iii) Sheikh Quddus Sheikh Amir Qureshi and Anr. Vs. State of Maharashtra³

2. In addition to that he relied upon proviso of Section 437 of

1 Anticipatory bail application no. 1313 of 2021, decided on 24/08/2021

2 Anticipatory Bail Application No. 801 of 2022, decided on 06/07/2022 at Aurangabad bench

3 Criminal Application (ABA) No. 333 of 2020, decided on 30/09/2020 at Nagpur bench.

the Code of Criminal Procedure. He says that bail cannot be denied only on account of test identification parade.

3. In this case the revolver used as weapon for committing crime is already found at the spot. The Applicant is not named in the F.I.R., the prosecution claims that he was one amongst six persons who had gone on the spot and threatened the first informant with help of revolver. Out of these six persons, five have already been arrested at the spot. Whereas the person at whose instance this incident has taken place, as per the prosecution, has already been granted anticipatory bail.

4. Considering the above situation, I am inclined to grant continuation of the interim protection. If the Police wants they can conduct the parade as per the Rules and applicant to cooperate.

5. In view of that following order is passed :-

ORDER

- (i) The order dated 06/05/2022 is confirmed.
- (ii) The Applicant shall continue to give attendance to the Wai Police Station on every Monday and Saturday from 10.00 a.m. to 12.00 noon till filing of the charge-sheet.
- (iii) Applicant to given an undertaking to concerned police station that he will cooperate if parade is to be conducted.

6. Anticipatory bail application is disposed of.

[S. M. MODAK, J.]