



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 718 OF 2023

Sahil Naeem Chikhlekar ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Mubin Solkar, a/w Thahir Hussain and Anas Shaikh, i/b
Ms. Tahera Qureshi, for the Applicant.
Mr. M. G. Patil, APP for the State/Respondent.
Mr. Hafeezur Rahman, for Respondent No.2.
API R. S. Narawade, Padgha Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 10th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the parties.
2. By an order dated 10th March, 2023, this Court was persuaded to grant interim bail primarily for two reasons. One, there was a delay of about six days in lodging the FIR. Two, there was discrepancy in the prosecution version as reported in the Forest CR No.21 of 2022-2023 and the FIR.
3. The learned Counsel for the first informant invited the attention of the Court to the affidavit filed by the first informant making an endeavour to explain the discrepancies. The first informant has asserted that upon enquiry it turned out that there were only five assailants and the applicant was

one of them and four were unknown. In contrast, in the forest report, it was alleged that the raiding party was accosted by a mob of 15 to 20 persons and they assaulted the members of raiding party and fled away with the vehicle which was seized by the forest guards.

4. *Prima facie*, the discrepancy is such that the endeavour of the first informant to explain the same by filing an affidavit does not merit countenance. To add to this, delay in reporting the incident especially that of assault to a lady guard, *prima facie* erodes the veracity of the version in the FIR.

5. The learned APP submitted that the applicant has been habitually indulging in identical offences. It was submitted that two offences have been registered against the applicant after this Court granted interim protection.

6. The learned Counsel for the applicant joined the issue by inviting the attention of the Court to an order passed by the learned Sessions Judge directing the release of the applicant in the event of his arrest in CR No.452 of 2022, which was pressed into service on behalf of the prosecution.

7. In the aforesaid view of the matter, I am impelled to make the order of interim bail absolute.

8. Hence, the following order:

: O R D E R :

- (i) Order of interim bail dated 10th March, 2023 is made absolute on the terms and conditions incorporated therein.
- (ii) The applicant shall henceforth attend the Padgha Police Station as and when directed by the Investigating Officer.
- (iii) The applicant shall not indulge in the activities for which he has been arraigned in this case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]