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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.883 OF 2022**

Mr. Sachin Narendra Pandit ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Shailesh Chavan for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.
Mr. V. V. Pawar PSI from Satara City police station present.

CORAM : S. M. MODAK, J.

DATED : 20TH JANUARY 2023

PC:-

1. Perused the order dated 17th January 2023. In the light of observations made therein heard learned APP Mr. Dedhia for the Respondent-State and learned Advocate Mr. Chavan for the Applicant.
2. As per order dated 1st April 2022, this Applicant was granted ad-interim protection in respect of present crime. It is registered with Satara City police station on 10th June 2017, for the offence punishable under sections 395, 363, 342, 504, 506, 306, 511 of the Indian Penal Code, whereas the offence took place on 11th May 2015. The sum and substance of allegations is that the first informant had taken loan from gang leader Pramod Dharashivkar.
3. On this background gang leader and his associates entered the house of first informant and robbed ornaments amounting to

Rs.3,73,000/-. The present Applicant is referred to as Sachin Pandit, being brother-in-law of gang leader Pramod Dharashivkar. The charge-sheet is filed in the year 2017 and present Applicant is shown as absconding accused.

4. For all these years the police have not arrested the Applicant and where was he during this long period. The Applicant has got explanation to offer. He was arrested in Crime No.511 of 2017 registered on 6th June 2017, under sections 395, 323, 504, 506, 365, 120-B of the Indian Penal Code. The police have also invoked the provisions of section 39 of the Maharashtra Money Lending (Regulation) Act, 1946 and under section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act and present Applicant was arrested in that crime on 3rd July 2017, and he was released on bail by the Special Court vide order dated 17th February 2020. During this period, no attempt was made to arrest the Applicant in present crime.

5. There is also emphasis that the FIR is filed after two years. Whereas according to learned APP, the robbed ornaments and cash amount was not recovered from the arrested accused and that's why custodial interrogation of this accused is required.

6. I think the Applicant has made out case for confirmation of the ad-interim protection. An opportunity of custodial interrogation was very much available to police when the Applicant was arrested in C.R. No.511 of 2017. It is also true that the FIR is lodged after two years. Hence, subject to conditions, the ad-interim prosecution can be

confirmed. Hence, the following order is passed :

O R D E R

- (a) The order dated 1st April 2022, is confirmed.
- (b) The Applicant shall attend the Satara police station on every Thursday from 10 am to 12 noon for three months.
- (c) The Applicant shall not threaten the prosecution witnesses or pressurize them in any manner.
- (d) Application is disposed of.

(S. M. MODAK, J.)