

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

ANTICIPATORY BAIL APPLICATION NO. 875 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.09.06
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Akshay Balu Halke

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Suyash Khose, for the Applicant.

Mr. M. G. Patil, APP for the State/Respondent.

HC S. J. Holkar, Mahalung, MIDC Police Station, Pimpri-
Chinchwad, present.

CORAM: N. J. JAMADAR, J.

DATED: 4th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.1226 of 2022, registered with Chakan Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 392 and 504 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The applicant alongwith co-accused allegedly robbed the first informant of Bajaj Platinum motorcycle and cash amount of Rs.700/- on the ground that the applicant had not paid the installments of the loan taken by the first informant to purchase the said motorcycle. When the application was

listed before this Court, by an order dated 11th July, 2023, this Court was persuaded to grant interim protection observing, *inter alia*, that *prima facie* the agreement between the Bajaj Finance and Patil Associates conferred right on Patil Associates, of which the applicant is an employee, to repossess the vehicle by following due process of law. It was the liability of the M/s. Patil Associates to follow the due process of law and the applicant being a mere employee was entitled to interim protection.

4. The notice issued to respondent No.2 – first informant is returned unserved with the remark not found and that the first informant has been missing since long and a missing report was lodged by the father of the first informant.

5. The learned APP, on instructions, submits that in the intervening period the motorcycle has been recovered and seized.

6. In the aforesaid view of the matter, at this stage, further custodial interrogation of the applicant does not seem to be warranted and, therefore, I am persuaded to make the order of interim bail absolute.

7. Hence, the following order:

: O R D E R :

- (i)** Application stands allowed.
- (ii)** Interim order dated 11th July, 2023 is made absolute on the terms and conditions incorporated therein.
- (iii)** In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]