

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1601 OF 2023

Sagar Ashok Bahirwade ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Rahul S. Kadam for the applicant.

Mrs. Veena Shinde, APP for the respondent/State.

Mr. N.B. Chapale, PSI, MIDC Bhosari Police Station,
Pimpri Chinchwad, is present.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 7, 2023

P.C.:

1. This is second application for pre-arrest bail in connection with C.R. No.262 of 2022 lodged with Bhosari MIDC Police Station for offence punishable under Sections 353, 341, 506 and 34 of the Indian Penal Code, 1860.

2. This Court by order dated 10 June 2022 rejected earlier application of the applicant on merits.

3. The complainant is a public servant working with Bhosari Office. It is alleged that the applicant along with two others came to her office on 5 May 2022 and questioned her with regard to the decision in proceedings of mutation entry. It is alleged that they brought media persons in her office and tried to snatch documents

from her. It is further alleged that while she was leaving her office for other official work on her two-wheeler, the applicant and others removed ignition key of her two-wheeler.

4. After the rejection of earlier application for pre-arrest bail, the prosecution completed the investigation and filed charge-sheet on 17 November 2022. The applicant, therefore, filed fresh application before the learned Sessions Judge under Section 438 of the Criminal Procedure Code, 1973 which has been rejected. Aggrieved thereby, the applicant has filed present anticipatory bail application.

5. According to the applicant, investigation is complete and custodial interrogation is not necessary. On perusal of the statements of witnesses, it appears that one Kaluram Pawar questioned the public servant. Other allegations regarding obstruction while performing official duty is vague in nature as no specific role is attributed to any person.

6. In view of completion of investigation and filing of charge-sheet and in absence of specific role attributed to the applicant and the statements of witnesses, the custodial interrogation of the applicant is not necessary. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.262 of 2022 lodged with Bhosari MIDC Police Station for offence punishable under Sections 353, 341, 506 and 34 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing P.R. Bond in the amount of Rs.50,000/- along with one or two sureties in the like amount;

- b) The applicant shall remain present before the concerned police station on 12 and 14 June 2023 between 11.00 a.m. to 1.00 p.m., and, thereafter, as and when called by the investigating officer;
 - c) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
 - d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - e) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted.
7. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)