

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

CRIMINAL APPEAL NO. 933 OF 2022

Sudhir Prabhakar Vichare

Age : 43 years, Occu: Business,

R/o. Union Park, Man,

At Post Betegaon, Near D Mart,

Tal. Boisar, Dist.Palghar 401501

... Appellant

Versus

1. The State of Maharashtra
Through the Senior Inspector of
Police Boisar Police Station, Thane

2. Amrut Prakash Dhondi,
Age : 38 years, Occu.: Business,
Add.: Junadandipada, Boisar, Palghar ... Respondents

Mr.Kushal Ambulkar i/by Mr. Pawan Mali for the Appellant.

Mr. S.S.Pednekar, APP for the Respondent–State.

Mr. Suhas Kadu a/w Mr.Akhilesh Dubey, Mr.Dharmesh Joshi i/by
Law Counsellors for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.**

DATE : APRIL 13, 2023

P. C. :

1. Heard learned counsel for the parties.

2. By this appeal, preferred under Section 14A of the
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989, (for short, “SC/ST Act”), the appellant seeks pre-arrest bail in connection with C.R.No.388 of 2022, registered with Boisar Police Station, Palghar for the alleged offences punishable under Sections 367, 323, 504, 506, 427 read with Section 34 of the Indian Penal Code, 1860 and Section 3(1) (r) & (s) and Section 3 (2) (v) & (va) of the SC/ST Act.

3. Perused the papers. It is not in dispute that the application for anticipatory bail i.e. Bail Application No. 332 of 2022 was dismissed by the learned Additional Sessions Judge vide order dated 12th September, 2022. Pursuant thereto, the appellant has filed the aforesaid appeal against the the impugned order dated 12th September, 2022, rejecting the appellant’s bail application.

4. This Court (Coram: A.S.Gadkari and Milind N. Jadhav, JJ.) after hearing the parties, *vide* order dated 21st September, 2022, granted ad-interim relief in favour of the appellant.

5. Learned APP states that after investigation, the police have filed chargesheet in the said case and that the said case has been committed to the learned Special Judge, Palghar on 21st December, 2022.

6. Considering that the chargesheet has been filed, the question of custodial interrogation does not arise and hence

ad-interim relief granted by this Court *vide* order dated 21st September, 2022, stands confirmed on the following terms.

- (i) In the event of the arrest, Appellant– Sudhir Prabhakar Vichare is directed to be released on bail, on executing PR Bond in the sum of Rs.25,000/- (**Rupees Twenty Five Thousand**) with **one or two** sureties in the like amount;
- (ii) The appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iii) The appellant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (iv) The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the appellant's bail.

7. The Appeal is disposed of in the aforesaid terms.

8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.