

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

ANTICIPATORY BAIL APPLICATION NO. 2468 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.09.02
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Arjun Sidram Salgar

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Vrushali Maindad, a/w Shaheen Kapadia, Ankita Nishad
and Shrushti Tupe, for the Applicant.

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

PN/1384, Arjun Gaikwad, Faujdar Chawadi Police Station,
Solapur, present.

CORAM: N. J. JAMADAR, J.

DATED: 31st AUGUST, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the
learned APP for the State.

2. This application is preferred for pre-arrest bail in
connection with CR No.429 of 2023, registered with Faujdar
Chawadi Police Station, Solapur, for the offences punishable
under Sections 354, 327, 452, 341, 143, 147 and 148 of
Indian Penal Code, 1860 ("the Penal Code").

3. The applicant has approached this Court as the
application, being Criminal Bail Application No.772 of 2023,
preferred before the Court of Sessions came to be disposed
by an order dated 11th August, 2023 on the ground that the

applicant had not attended concerned police station pursuant to the interim order passed by the learned Additional Sessions Judge on 12th July, 2023.

4. The learned Counsel for the applicant submits that on account of a genuine difficulty, the applicant could not attend the police station. The learned Counsel for the applicant further submitted that the applicant is ready and willing to cooperate with the investigation and appear before the Investigating Officer. It was further pointed out that in Criminal Application (APL) No.981 of 2023 preferred by the applicant for quashing the prosecution, the Investigating Officer has been directed to not submit the charge-sheet without the leave of the Court.

5. Since the learned Additional Sessions Judge has not considered the entitlement of the applicant for pre-arrest bail on merits and application came to be rejected for non-compliance of condition of attendance imposed while granting interim relief and the applicant is willing to appear before the Investigating Officer, it may be expedient to grant limited protection to the applicant with a direction to attend the police station and liberty to file a fresh application for pre-arrest bail before the Court of Session.

6. Hence, the following order:

: O R D E R :

- (i) The applicant shall attend the Faujdar Chawady Police Station on 7th and 11th September, 2023 in between 10.00 am to 1.00 pm.
- (ii) The applicant shall not be arrested for a period of three weeks.
- (iii) In the meanwhile, the applicant shall be at liberty to file an application for pre-arrest bail before the Court of Session.
- (iv) If such an application is filed, the learned Sessions Judge shall decide the same on its own merits and in accordance with law.
- (v) It is clarified that this Court has not entered into the merits of the matter.

[N. J. JAMADAR, J.]